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Official Report of Debates (Hansard)

Wednesday 4 May 1994

Journal des débats (Hansard)

Mercredi 4 mai 1994

Standing committee on
government agencies



Comité permanent des
organismes gouvernementaux

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Rapport de sous-comité

Chair: Margaret Marland
Clerk: Lynn Mellor

Présidente : Margaret Marland
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 4 May 1994

Mercredi 4 mai 1994

The committee met at 1012 in room 228.

INTENDED APPOINTMENTS

The Chair (Mrs Margaret Marland): We will start this meeting of the standing committee on government agencies to review intended appointments.

SARAH MAMAN

Review of intended appointment, selected by official opposition: Sarah Maman, intended appointee as vice-chair, Fire Code Commission.

The Chair: Welcome, Sarah Maman. You may make opening comments, or we will just start with questions.

Mrs Sarah Maman: All I wanted to say was thank you for inviting me here today to talk about the Fire Code Commission and I'll be happy to answer any questions you might have.

Mr John C. Cleary (Cornwall): Welcome to the committee. How did you find out about the opening on this particular commission?

Mrs Maman: At the present time I am a member of the Fire Code Commission and I am aware that the cycle for chairman and vice-chairman had expired. I know the staff at the fire marshal's office were aware that I was interested in applying for chairman or vice-chairman.

Mr Cleary: How often would you meet?

Mrs Maman: Generally the Fire Code Commission meets approximately once a month. They hear about two or three cases at a time.

Mr Cleary: Now that you will be in a new position, what do you expect to accomplish? You must have an agenda, being that you want to be vice-chairman.

Mrs Maman: I think one of the things that I'd like to see is more not advertising but more dissemination that this commission actually exists. This commission has been in existence for a number of years, and I think it's time we obtain some feedback from the people who use the commission as to how well the process is, whether some changes should be done in the process itself, how well we are notifying people that this commission in fact exists. Considering the number of orders that are issued by the fire officials, not many are appealed to the Fire Code Commission. It would be interesting to know why that is the case.

Mr Cleary: When you say "the people who use the commission," I think I know, but who all is that?

Mrs Maman: Who would use the commission? The Ontario Fire Code is enforced by local people who have been designated as chief fire officials or fire officials under the statute. Basically that would be people in the

fire prevention departments of fire departments. They go out, make inspections, issue orders if they find something in contravention of the fire code. If it's not specifically addressed in the fire code and they find an unsafe situation, they can make an order that you cannot find directly in the fire code, because the fire code does not address every situation possible.

Now, the person who receives this order has the option of appealing that order. The order can be appealed directly to the fire marshal's office, in which case they would make an inspection and an assessment and make a ruling. If the applicant is still not satisfied with that decision, they can then appeal it to the Fire Code Commission, or the applicant can directly appeal the order to the Fire Code Commission without going through the fire marshal's office.

Mr Cleary: What I am led to believe by some who have contacted me over the years is that the training is a big issue.

Mrs Maman: Yes, I would say that. I would say enforcement in general is a big issue.

Mr Cleary: What are your plans to address the training part of it?

Mrs Maman: I don't believe it's the mandate of the Fire Code Commission to address training. That's a matter that's addressed directly by the fire marshal's office as to how they want to train the people who are going to be enforcing the code.

Mr Cleary: Do you have any thoughts on the quality and effectiveness of your service?

Mrs Maman: I think that the quality and effectiveness are quite high. The people who have been appointed in the past to this commission are technical people. This is a technical committee requiring a certain expertise. We don't look at the political aspects; we look at basics, life safety, because that's our goal. I believe that for every hearing we've held, life safety has been achieved. It's just that there are many ways of achieving life safety.

Mr Cleary: Are there any other reforms needed?

Mrs Maman: Other reforms in which respect? To the commission itself?

Mr Cleary: Yes.

Mrs Maman: No, I think the process is quite good. I think the problem is that not many people might be aware that there is this process in effect, that people have the right to appeal.

Mr Cleary: Have you been on the commission for two or three years?

Mrs Maman: Yes.

Mr Cleary: Three years?

Mrs Maman: I'm sorry, I don't remember; I think two years.

Mr Cleary: I understand it was formed in 1989. Is that correct?

Mrs Maman: It was formed when the fire code was first enacted, which would have been about 1985, so a little earlier than that.

1020

Mr Norman W. Sterling (Carleton): I'm sorry I wasn't here earlier. It may have been explained to you, we have a problem that things have shifted around here. It's not out of any disrespect for you or the position, and I'm sorry if my question is repetitive as well.

How do you relate the fire code with the building code? The constant trouble that we have is that the representative looking at the fire code requires that the door be here and the guy with the building code says the door has to be there. Consequently, the person building the building or the owner is caught in a conundrum of who to follow and trying to get these two inspectors to match up and put the door in one place.

Mrs Maman: The fire code and the building code are distinct documents and they each come into play at certain periods of construction. If you talk about new construction, a major renovation or an addition to an existing building, it must conform to the current Ontario Building Code. Therefore it must be built to today's standards.

The Ontario Building Code only came into force in 1975. We have a situation where we have a whole stock of buildings that were built prior to 1975. These buildings may not and in many cases do not conform to the existing building codes, but once a building is built it now falls under the Ontario fire code. When we talk about retrofit or in the case of life safety, once a building is built and has been completed and is occupied, it falls under the fire code, in which case, if there's a question about life safety, then the chief fire official or the person who is administering the fire code has a lot of latitude as to what they will permit.

That does not mean to say that if you are working under the Ontario Building Code and you want to make a change or you want to do something outside of what the building code states that you can't do it; you can apply to the Building Code Commission and if you can show equivalency to what is stated in the building code and the commission agreed with you, you would be permitted to change the location of that window.

Mr Sterling: Why can't the two be melded into one?

Mrs Maman: I don't know. They're under different jurisdictions. One is under the fire marshal and one is under Housing. It doesn't seem to have been a problem in the past.

Mr Sterling: It's not a problem for the two jurisdictions; it's a problem for the people who are dealing with the two jurisdictions. We represent the people who are dealing with the two jurisdictions, the other part.

Mrs Maman: If you built a building to the building code, the fire code has no jurisdiction over that building. If you're taking specifically, for example, retrofit, retrofit applies to all buildings that were built prior to 1975, not to buildings built after 1975.

Ms Margaret H. Harrington (Niagara Falls): First of all, how many people are on this commission?

Mrs Maman: I don't have the exact numbers but there are about 15.

Ms Harrington: And you're responsible for the whole province, so do you do a lot of travelling in this responsibility?

Mrs Maman: There is some travelling. We try to go to where the hearing or most of the people are located. For example, if the building under discussion happens to be in another area of the province, we will attempt to travel to that area and hold the commission there.

Ms Harrington: What would your background be that would qualify you—I understand you've been there for a few years—for this job?

Mrs Maman: I graduated from University of Toronto in chemical engineering and I've specialized in fire protection engineering since I graduated from university, which is about 20 years ago, and I've learned my trade from the various jobs that I've worked at.

I've worked in the insurance industry, where I was a fire prevention officer, and we looked at all types of commercial and industrial types of building. I then worked at the Canadian Wood Council, which is a trade association, non-profit, and we represented the wood industry on codes and standards, specifically the building codes and the fire codes and all Underwriters' Laboratories of Canada standards on building products.

I did work for two years at the fire marshal's office, where I was involved in preparing legislation. I did fire investigations and I did prepare the reports that are submitted to the Fire Code Commission for review. Now I'm with a large insurance company and I head up the loss prevention department.

Ms Harrington: It sounds like a very interesting background. It's mainly the insurance industry that you came from originally?

Mrs Maman: Insurance industry is a very good training ground for fire protection engineers. Obviously they have a vested interest in fire prevention and loss prevention because they are interested in reducing the size of losses and the possibility of losses. It makes them more profitable; it keeps the rates down.

Ms Harrington: They get involved in a lot of good things in order to save money, actually.

Mrs Maman: Yes, they do. Sometimes it's not widely publicized, but they do get involved. They're very interested in loss prevention, and as a result maybe their interests are more geared towards property protection, but if you try to look at property protection, it also reflects on people protection.

Ms Harrington: Right. I understand recently there have been changes to the Fire Code Commission's responsibilities with regard to the effect of fire on the

environment and public safety. What do you anticipate this will mean? I guess they're just coming into effect now. Will this mean more extensive hearings for you or more costly hearings?

Mrs Maman: The results of these environmental changes, because of the Hagersville fire—I don't know. I'm kind of sceptical it'll make much of a dent. I think that, due to resources of the fire marshal's office and perhaps the enforcement of the fire code—you know that in effect there are many parts of this province where the fire code is not being enforced at all because there's no legislation on the books for municipalities to have a fire department and many of our fire departments are volunteer, so we don't have fire prevention officers across the province to enforce the fire code.

If you're talking about if we have a major storage of hazardous materials out in the middle of nowhere, who's going to find out? Who would know? Who would enforce the code?

Ms Harrington: Do you feel that it's your responsibility as the commission to do something about that?

Mrs Maman: The problems are not unknown to the fire marshal's office; it's a matter of funding.

Ms Harrington: You think it's his responsibility?

Mrs Maman: Let's put it this way. Having worked there, I can give you a little insight. They know what the problems are. They know the shortcomings of the problems. For example, if the fire marshal's office wanted to provide legislation to change the fire code, there does not seem to be much of a political motivation to look at the fire code.

It seems that viewing this from, let's say, outside the government and looking at it as an outsider, this office is more of a reactionary. If we have a problem, we're going to fix it by legislation. If we have another problem, we're going to fix it by legislation. We all know that there are problems out there. A lot of this stuff could be, let's do something before something happens, not after something happens.

Ms Harrington: What you're saying is that the whole structure and way of approaching this through legislation should be changed?

Mrs Maman: There are a lot of problems, as I said, let's say enforcing. In Ontario, you must have a building department, you must have a police force, there's no need for a fire department, so the building department is not going to enforce the fire code. Only the fire department can do that or somebody designated by the fire marshal's office as a chief fire official.

1030

Ms Harrington: Do you feel, and other people may want to pick up on the last comments, that there is any impetus to go in the direction of having appeals dealt with without a formal hearing; more of a mediation?

Mrs Maman: I believe that the appeal process the way we've developed it or it's been developed over time is not necessarily an adversarial type of situation. It is more trying to find out some way to—as I said, life safety of an existing building can be achieved in many ways. There's not one way of doing it. It's not a prescrip-

tive. It can't be prescriptive because we're talking about a situation in existence.

Therefore when we try to make a decision and we try to take into account the existing situation, while we're talking to the people during the appeal or the hearing, we try to basically make a mediation, and I think many times we've been quite successful.

Unfortunately, many people who appeal to us want to avoid the entire cost of making any sort of upgrading. It's very difficult to try to make that person happy with the decision. Obviously in many instances something has to be done, and whatever you're going to do or recommend or decide is going to cost money.

Ms Harrington: So you think going in that direction is a good way?

Mrs Maman: Definitely. I think when we do the hearings, as I said, we don't have lawyers there. It's run formally and then we make it wide open, very informal, everybody can talk, that type of thing. So we get a lot of give and take.

Ms Jenny Carter (Peterborough): I think you've partly answered my question. I understand the occurrence of fires has been reduced over the years. Do you think the Fire Code Commission can help to further reduce that occurrence? Do you have ideas on that?

Mrs Maman: I don't think the Fire Code Commission by itself can do that. As I said, if you're getting three appeals a month over 12 months, that doesn't seem to be a lot.

Ms Carter: But it keeps you busy.

Mrs Maman: Sure, it keeps us busy, but we're not a full-time commission; we're part-time. We meet once a month. There are three people on the commission, so you can imagine that unless you're chairman or vice-chairman, you don't hear that many appeals.

In general, I think it is quite healthy to have a technical body away from government that somebody can go to and say: "Listen, I want to appeal this. I feel uncomfortable with the decision that has been made. Could you tell me whether perhaps we could find another solution? Is this proper, yes or no?" I'd rather have a technical committee looking at something like that than have perhaps a lawyer or a judge looking at this type of thing, without taking into account the technical background of the decision.

Ms Carter: But can you use that as a vehicle for having an influence on the general situation?

Mrs Maman: I think in the matter of writing our decisions, if necessary, we can say, "This area should be looked at in more detail," or "It requires more study and should be addressed."

Ms Carter: What do you hope to accomplish during your tenure? Would that be an object you would have?

Mrs Maman: Oh, definitely. If the opportunity arose, I would definitely take advantage of something like that.

Ms Carter: Would you have other objectives?

Mrs Maman: As I said, my basic objective at this time would be to take a study to see how well we've been doing in the past, with the people who have been

using it and who would be using it in the future, to see how well we are—do people know that we in fact exist? The public who have been given orders, that they don't have to take it and say, "Government is telling me I have to do it and I must do it." They have the right to go to a body and say: "Have we been treated fairly? Have all the options been reviewed?"

Mr Robert Frankford (Scarborough East): Your comments about there have to be building departments but not necessarily fire departments: I just wondered whether that related to Mr Sterling's observation about should there be some sort of unification of codes. I confess my ignorance in this area, but it just struck me that, would this be some way of ensuring that there was some sort of standardization?

Mrs Maman: Well, you see, the point is that the assumption has been made that the only thing in the fire code is construction requirements, and that's not the case. There are requirements or issues in the fire code that address occupancy, flammable liquids, spray-painting operations, things like that, that really are not within the scope and mandate of the building department. They're responsible for a shell of a building. Here's a building, a shell, and now it's occupied.

It would create, I would say, a lot of havoc in the enforcement of these two documents if they try to amalgamate the two together, because the only way one is aware that there is a problem is if one makes an inspection and then sees that this building in fact is a problem. Who makes the inspections? It's the fire prevention officers who do the inspections.

If you decided to amalgamate the two documents, you're still going to have problems with enforcement, because even under the building code there is no requirement on the part of municipalities to make inspections of what they've approved. The onus is on the engineer or the architect who submitted the drawings that conform to the building code. Many municipalities just don't have the manpower to do inspections. I mean, in big municipalities like Toronto and places like that you're going to have this type of inspection, but in rural areas there's one person who's the chief building official, he's the administration of the town, he's everything, and he hasn't got time to go out and do inspections. So I don't think we're going to be in any way getting better enforcement if we decide to amalgamate the two documents.

The Chair: Thank you very much for appearing before the committee this morning, Mrs Maman.

SUBCOMMITTEE REPORT

The Chair: The clerk is asking that we approve the report of the subcommittee, which you have in front of you. It's the report of the subcommittee dated Wednesday, April 27.

Mr Daniel Waters (Muskoka-Georgian Bay): So moved.

The Chair: Moved by Mr Waters. Any discussion on that subcommittee report? All in favour? That's carried.

ELEANOR PAINE

Review of intended appointment, selected by the third party: Eleanor Paine, intended appointee as member,

Province of Ontario Council for the Arts (Ontario Arts Council).

The Chair: I would like to welcome Ms Eleanor Paine to the committee. Good morning, Ms Paine.

Good morning. If you wish, you may make a brief opening statement. Otherwise we will just start with questions from the committee members.

Ms Eleanor Paine: I'd prefer to go straight to the questions.

Mr Allan K. McLean (Simcoe East): Welcome to the committee, Ms Paine. Are you a member of the Windsor arts council?

Ms Paine: I'm not currently a member of the Windsor arts council. I was on the board up until one year ago.

Mr McLean: Have some of the board members left the organization?

Ms Paine: Yes, a few have, and that was a result of the project which was the Capitol Theatre and Arts Centre. That was a project of the Windsor arts council. Several people left the board to manage that project and there's a separate incorporation there now.

Mr McLean: Do you remember Georgina Falls?

Ms Paine: I do know her.

Mr McLean: Is she on the council?

Ms Paine: She wasn't when I was.

Mr McLean: Has the casino had anything to do with the involvement of the Windsor arts council? Did they take over the building, or were they promised to change their facility? I was curious what happened there.

Ms Paine: I think you may be referring to the shift with the Art Gallery of Windsor, as opposed to the council.

Mr McLean: Right.

Ms Paine: The temporary casino has moved into the art gallery premises on a temporary basis.

1040

Mr McLean: Why did you apply for this position? Any particular reason?

Ms Paine: I was asked, actually, rather than applied, but my involvement with the arts in the last number of years in Windsor has brought me to a place where I think I have a lot to offer this particular committee.

Mr McLean: Who asked you to be a candidate?

Ms Paine: It was through the minister's office.

Mr McLean: Through the minister's office, great. So you must have a lot of background with regard to the position?

Ms Paine: Yes.

Mr McLean: The Ontario Arts Council administers an endowment fund. Are you aware of that endowment fund and how it operates?

Ms Paine: I'm minimally aware. Because I'm not currently a member of the board, there is certainly a lot of information that I don't have. But I have certainly done some reading and do know of its existence.

Mrs Elizabeth Witmer (Waterloo North): I noticed

here that you were past president of the Windsor Feminist Theatre and also a founding member. Can you just give me some information as to what that involved?

Ms Paine: This happened in the early 1980s. As you know, the feminist movement was in full flower at that time. One of the vehicles that some of us felt would be very effective as a way of passing on the message was through theatre, as a very acceptable way to be heard. So we formed the theatre company. It was a community group and is still in existence and is the longest-lasting feminist theatre company in Canada, as far as I know.

Mrs Witmer: I notice that much of your experience has been related to the women's movement. I'm just wondering what type of influence you would bring to the arts council. What would your priorities be, based on your background? Are there things happening now that you disagree with? Is there another direction that you believe the council should take?

Ms Paine: No. In the reading I've done and the information that I've received in these last several years, actually, I feel that the OAC is a well-founded organization with thoughtful directions. I think probably the influence that would come to bear would be more from my business background than my involvement in the women's movement, actually.

Mrs Witmer: Okay. What do you personally believe you can accomplish during your tenure on the council? Obviously, you were asked to participate in the process and you accepted. You seem to have a good knowledge of what's been happening in the past. What would you hope that you can contribute and do in the future? Organizations always need to change and reflect changing, differing needs.

Ms Paine: One of the objectives that has been put forth for I believe the next three-year plan for OAC is to support the initiative for artists to achieve a living wage. That's an area that interests me. I think it's important that we find a way for not only government but business to support the arts and artists in our communities. I have been working in that area through the Capitol Theatre and Arts Centre in Windsor to achieve that. That's one of the things that is very important to me.

Mrs Witmer: I'm interested in that. You talk about a living wage. Is there a dollar amount being discussed? How would that be achieved? Who would subsidize that? Would it come through the council?

Ms Paine: At this point in time, I would not have that information. I know it's an objective. I'm not even certain that it has been worked through. What that means is it would be rather more supportive and encouraging and for the council to act as an advocate; not only an advocate for the arts but that the participants be paid.

Mrs Witmer: Okay. What is your understanding today of the Ontario Arts Council vis-à-vis the government? What type of relationship are you aware of that exists at the present time, and is that an appropriate relationship or should that change somewhat?

Ms Paine: I do believe that it is an appropriate relationship and I understand that it is an arm's-length body from the government and that the OAC reports back

to the Legislature through the minister.

Ms Harrington: You mentioned the Windsor Feminist Theatre. I just wanted to mention that I had met a woman here—and I forget her last name; it's Betty—and she worked in Toronto and she was originally from Windsor. You may know her from years ago.

Ms Paine: Betty Walmsley, yes.

Ms Harrington: Yes.

First of all, you are going to be making decisions with regard to who gets government funding through the arts council, which is a very important responsibility, as you said, to our cultural community, to the whole of Ontario, for promoting various experiences and culture, and I'll get into that a little bit further later. What background do you have with regard to management and business that you could bring to bear on this particular job?

Ms Paine: I've been sole proprietor of two businesses, actually, and currently have a management company and have been involved in various aspects of business all my adult life, from holding a real estate licence through managing staff and creating a manufacturing business. My experience has brought me to a place of fiscal responsibility, and that's been best demonstrated through my involvement with the Capitol Theatre and Arts Centre.

Ms Harrington: You said you held a real estate licence, so you were self-employed, but did you work for other businesses as well?

Ms Paine: I have worked both in business and with social agencies. I was employed with Hiatus House, which is a women's shelter in Windsor. I ran a manufacturing company; it was called Walker's Candies and it was a handmade candy and chocolate business. I have had a fairly wide variety of experience in a lot of realms.

Ms Harrington: With regard to Windsor and the casino coming there, obviously you're going to get a huge influx of people to the city, probably from the US. Do you feel that this will encourage other cultural pursuits in that area and can you get some of those people, those visitors, to stay longer in the region?

Ms Paine: I think that our cultural activity is certainly strongly linked with tourism, and the desire and the need have certainly surfaced in Windsor at this time. If people come to the casino, how do we encourage them to stay? One of the ways to encourage them to stay are the cultural activities that we have available: the quality of our art gallery, the quality of the artist-run galleries, the theatre that's available, dance and other performances. One of the things that is going on in our city right now is the linkages; we're looking for the linkages that can occur, so that we can strengthen them.

That's for tourists. On the other hand, there's a concern going on that we take care of and nurture our own community as well and not have it all outwardly bound and oriented to the tourists, but to take care of our own needs and our own opportunities to nurture our own community as well.

Ms Harrington: Do you feel that the impact of a casino will help or hurt the cultural aspect of the region?

Ms Paine: I think it will help it enormously, first of

all, by creating a larger potential audience and by the improvement in the local economy. If our community doesn't have any disposable dollars, then it's not able to attend the cultural events, so I think that's one of the ways that it will improve it.

1050

Ms Carter: Welcome. I'm intrigued by this knotty problem of how you decide what has artistic merit. I guess that's when the council runs into trouble, when the public says you've given money to something and they can't see why it was deserving. We've certainly had an example in my own home town of Peterborough where there was a picture put in a storefront window. It was part of women's day celebrations and it was a picture that was meant to celebrate being a woman, if you like. It was a female nude in a very revealing position, but it wasn't realistic; it wasn't sort of biological and yet it created a storm of opposition.

The upshot has been that the group that put it there decided it's no longer going to accept funding from the local council, which in fact forced it to withdraw this picture from the window. So there obviously is a cultural divide out there as to what is acceptable and what isn't. I just wonder how you deal with that.

Ms Paine: I think the structure of the Ontario Arts Council deals with it very well in terms of using the peer assessment as one way of determining artistic merit. I think that always, as we move forward, as a society moves forward, there's a resistance to change and resistance to new ideas. I think the structure that's within OAC is an excellent one to work through and then the board becomes a final word rather than the judge of artistic merit.

Ms Carter: So the responsibility is spread, as it were.

Ms Paine: Yes.

Ms Carter: I remember reading recently in my local newspaper a list of who earns what, with doctors at the top and accountants and dentists and what have you, and people working in arts fields were absolutely at the bottom, below every other kind of worker. It seems that with things as they are, they do have to be subsidized and yet they are necessary to society. I think we'd all miss them very badly if they couldn't function. I'm just wondering if you have any ideas as to what we could do so that these people could earn a decent living.

Ms Paine: I wish I had a specific solution to the problem of how we pay our artists. There are different models around the world and certainly in some countries in Europe there's a much higher subsidy and encouragement of the individual artist. I think it's always a step-by-step process and the opportunity exists, in this next while and in this place that we are in Canada and in Ontario particularly, to begin the process of advocacy, through the OAC to become a strong advocate of the arts.

We're a young country. We bring those young attitudes, and I think one of the roles of OAC is, as an advocate of the arts, to talk about how important a part of our culture it is. Whether we talk about it in economic terms or in terms of enjoyment or whatever framework we choose, we need to advocate the role that the artists

play. Then I think there will be more support forthcoming, not only from government but from business as well.

Mr Waters: It's nice to see you again.

Ms Paine: Thank you.

Mr Waters: I guess what I wanted to know was your feelings on whether the arts council can do something about the problem that I see within the arts community, where we have world-renowned people like Murray Schafer in the province. They come from Ontario and we don't know them. They're stars everywhere in the world but here in our own province and indeed our own country. Do you think there's a role or something that can be done through the arts council and its affiliates to indeed make these people part of maybe a household name? People come from the US, and they're coming here because of the theatre that we have to offer, yet we don't recognize it as having value, let alone that it's Canadian theatre a lot of times that they're coming to. I'd like your opinion.

Ms Paine: I think that has partly to do with our reticence as Canadians. We don't, as Canadians, frequently stand up and blow our own horn, so to speak. That's something that has to develop. Again, I think through advocacy you create respect for the talent you have in your own country, and also through the opportunities to either show their work or for the music to be heard or the dance to be seen. I think the industry as such has grown hugely in Ontario in these last years and people will become better known.

In Windsor, we have a particular problem and that is the huge influence of American media, so much so that frequently the identification can be totally there. Even though we may not have the star system in the same manner, if it weren't for the culture and arts, we would feel totally Americanized, totally swallowed by the giant that's there.

Mr Cleary: Welcome to the committee, Ms Paine. One thing that hasn't come up here: How many members are on your board?

Ms Paine: On the OAC board now, 12.

Mr Cleary: I guess everything always gets back to dollars. Do you figure that you have a sufficient operating budget?

Ms Paine: I don't suppose anybody ever figures they have a sufficient operating budget. There would always be need to advocate for more money in that realm.

Mr Cleary: Getting to the budget, what would your budget be used for? I know there are per diems and there's office space and everything. What else would it be used for?

Ms Paine: The primary purpose of the council is to provide grants and services to the arts industry in Ontario, so the majority of the budget goes towards the granting system.

Mr Cleary: So there would be that and there would be office space and I'm sure there's some paid staff and the board members.

Ms Paine: Yes. It's my understanding that the board members are not paid.

Mr Cleary: Oh, okay.

One other thing that I know Ms Witmer touched on a bit: I'm sure with your experience, I'd just like you to go over your list of priorities that you would like to accomplish in the next two or three years, whichever your appointment is.

Ms Paine: The priorities that have been put forth by the council itself for the next three years are around—one of them is a reorganization of its internal office space and the delivery of the services. Another is a balancing between the granting and the services that are provided and the way it is distributed. Others are to look at even greater involvement of communities, servicing a greater number of communities than it already does, which I understand is somewhere over 200 at this point in time; to be an advocate of the arts and the value of artists; and also once again to assist and look at the ways that our artists can earn a living wage. Those are the goals that are set out by the council.

Mr Cleary: So they're your priorities too.

Ms Paine: If I am part of that board, I would certainly accept those as my priorities, yes.

The Chair: Thank you, Ms Paine, for appearing before the committee this morning.

1100

ALOK MUKHERJEE

Review of intended appointment, selected by third party: Alok Mukherjee, intended appointee as member, Ontario Civilian Commission on Police Services.

The Chair: Our next intended appointee is Mr Mukherjee. We welcome you to the committee this morning. If you wish, you may make a brief opening comment. Otherwise, we will just start with questions from the committee members.

Mr Alok Mukherjee: I just have some very brief comments to make. Madam Chair, members of the committee, it was a little over two years ago that I had occasion to appear before your committee as an intended appointee to another position. The questions that were put to me then gave me a valuable insight into the issues and concerns you considered with respect to that agency, namely, the Human Rights Commission.

I look forward to the questions you may have this time in the area of policing and may I say I look forward to the same degree of support this time that you extended to me last time.

Policing is one of the most important institutions of our society. In communities across the province, there is significant concern about security and safety. Citizens, regardless of their race, colour, gender, age, sexual orientation and so on, want their neighbourhoods, their streets, their property and their families to be safe. They want their police to be responsive and sensitive to these needs. They want those responsible for administering the police forces to be accountable to the taxpayer for their actions and decisions through civilian control. Finally, they want the police forces to be reflective of the communities served.

I believe that on the whole these expectations are

shared by the police forces themselves. Their belief in the principles of community policing, equitable practices and civilian oversight are on record. I have a feeling that they would like to see these principles realized without either sacrificing the quality of police services or jeopardizing the safety of individual officers.

I think these are fair and reasonable expectations, as are those of the citizens, and I think that the two are not mutually exclusive. The challenge for all concerned is to figure out ways of working to build safe communities while ensuring the highest standards of professionalism, and this must be done bearing in mind the fact that resources are limited and will remain so in the years to come.

These challenges make the work of the Ontario Civilian Commission on Police Services very, very important. The various powers and responsibilities given to it under the Police Services Act must be used in a fair but tough-minded way to ensure that all Ontarians receive the police services they deserve.

I am honoured to have been recommended for appointment to the OCCPS. I like to believe that the knowledge, experience and expertise I shall bring to the task from my activities at the Human Rights Commission, a consultant in organizational change and a community activist will help me to make a meaningful contribution to the work of this civilian commission.

I shall do my best to answer any questions members of your committee may have.

Mrs Witmer: Welcome. I just would appreciate from you some information as to how you came to apply for this position. Were you asked to apply for this position? What skills do you believe that you have that would allow you to perform your job?

Mr Mukherjee: A few months ago I expressed a desire to people in the Premier's office that I would be interested in exploring possibilities other than being the vice-chair of the Human Rights Commission. I felt that I had spent two years there which had been quite productive and meaningful and that it was time to look for a new challenge and try out my skills in a different area.

In the discussions that I had with people in the public appointments office, the possibility of appointment to OCCPS came up. I thought that was a very interesting appointment for me to think about, given that there has been some work I have done on the area of police services.

In 1991 I was responsible for writing a fairly major report for the Solicitor General's ministry on effective models of community policing. More recently, I was part of a team that wrote a report for the commission on racism in the criminal justice system on human resources issues: How do we make sure that our criminal justice system represents and reflects the society that it serves? So it's not an area that is unknown to me. It's an area in which I've done some good work, I think.

In terms of what I shall bring to the position, some of the same skills, I believe, which I brought to the Human Rights Commission two years ago when there was a need to look at the commission as an organization and explore

ways of providing services in an effective manner within decreasing resources.

My skills are in the area of organizational development and organizational effectiveness and I think that given the mandate of the OCCPS, that's something I would be able to contribute to improve the effectiveness of what OCCPS does. So in a sense there's a combination of work I have done directly on police issues, particularly community policing, and there are skills I bring as a professional in organizational effectiveness that I will be able to contribute.

Mrs Witmer: Do you support the government's employment equity policy for the police force?

Mr Mukherjee: I do.

Mrs Witmer: Do you have any concerns in that it maybe prohibits and prevents some individuals from becoming involved in policing who have a strong desire to do so? I guess I refer particularly to white males, who throughout the province feel a little bit alienated by the process in that they don't have the same opportunities.

Mr Mukherjee: I believe that as we open up the recruitment process to more and more people, certainly people from the various designated groups who have been excluded in the past, for conscious or unconscious reasons, there will be a tougher competition for everybody involved. Certain people who have had relatively easier access may not have that easy an access as a result of employment equity, or they may perceive that they don't have it. They have to compete against a larger pool.

But I do believe that employment equity is not a strategy that sacrifices quality, and as long as we make sure that an employment equity program is implemented with realistic goals in a reasonable manner, without sacrificing the basic requirement that one must be a good police officer, I don't think that the harder competition will lead to an unreasonable exclusion of people.

Mrs Witmer: I would agree with you; I think it needs to be reasonable. Unfortunately, the government has given a message at times when they've had ads in the paper, "White males need not apply," that have given a different message, and I think that's the concern in the wider community. People do support equal opportunity, but it's the manner in which it's handled. It needs to be sensitive.

Stephen Lewis indicated in his report in 1992 that since 1989 there had been little progress made in improving relations between the police and the minority groups in Ontario. Would you agree? Have you seen any change? What comments do you have?

Mr Mukherjee: Based on the work I have done, I would say that police services have made a considerable effort. We documented in our report to the government a wide range of police-community committees that are in place across police services throughout the province.

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One of the issues we raised was about the effectiveness of those committees, and from whose point of view those committees were doing important work. I think there's a need to bridge the gap. There may be different expectations from the police services and from the community.

There may be different expectations of accountability, of control and so on.

When I look at the picture, my impression is that tremendous effort has been made. There is not a lack of will. There is a need to look at how well those models are serving us, and there is a need to sit down and say, "Okay, what else can be done to deal with some of the concerns that still exist?" I do think people, regardless of what their race or ethnicity may be, do want participation, do want to have a say in how their communities are policed. Whether or not the current models are serving that is a question that I think needs to be looked at.

Do I believe no progress has been made? Absolutely not. I think where we are today is way ahead of where we were 20 years ago. But there's room to grow.

Mrs Witmer: I do appreciate your very thoughtful responses. Thank you very much.

Mr Frankford: Good morning. I'd like to explore some questions around reporting of trends in policing and crime, particularly around statistics. Do you have any broad thoughts about what statistics are needed and where we should be going with them?

Mr Mukherjee: It's a thorny question, as you no doubt know. In fact, just a few weeks ago I was in a debate with somebody from another jurisdiction, namely, the school system, at a public forum on the zero tolerance policy of Scarborough board and we got into the discussion of collecting statistics about who is behaving in what manner, and it concurred both ways. Of course, we have to pay attention to the limitations imposed by the Human Rights Code, what information we may gather and how, but the broader question is, for what purpose? Unless that is resolved, I'd be very, very hesitant to say, "Yes, let's go ahead and collect the statistics."

Number two: Unless there are very clear guidelines in place that say, "You shall only use statistics for these purposes—namely, better policing, not to prove some fake genetic or scientific issue," unless we have those guidelines, I would say, "Let's not collect the statistics," and I haven't yet seen anybody propose guidelines that would ensure that statistics are not misused to blame or blemish a community without foundation and so on. So I have concerns and I'm of two minds on the issue.

Mr Frankford: Well, I guess I just said statistics. I was not particularly asking about particular communities. It seems to me I would tend to argue in favour of very comprehensive statistics which would include other things like education, age, socioeconomic status, employment or unemployment, a whole lot of things. I think, if one has the comprehensive picture, it could be very useful.

Mr Mukherjee: The fear still remains.

Mr Frankford: Okay. Another approach I think is not on criminal statistics but on victim statistics.

Mr Mukherjee: You know, statistics are always interesting. Collection of statistics is perhaps the relatively easy part. It is what we do with the statistics.

I used to work for a board of education, and we collected statistics on student outcomes. We collected them by socioeconomic status, gender, race, ethnicity, language etc, but precisely to develop programs to deal

with or address any lacks that there may have been in the educational system.

If statistics are connected to a commitment to doing something with them, like improving services or diminishing crime, whatever, then they are valid. But if they are collected for academic or abstract purposes, then it's an exercise not worth undertaking.

Mr Frankford: I would say that one can look at trends. One can look at the declining number of murders in the last couple of years in Toronto, which I think is a very helpful statistic. It is very useful in deciding how to allocate resources and it's very useful in addressing people who misguidedly think that the sky is falling. The fact that there is a declining number of murders shocks people because it's not something which they read that clearly. One spectacular case can counteract the whole trend, which may be positive; it may also be negative, but I think we all need that objectivity.

Mr Mukherjee: You raise an interesting issue because some of those statistics the police already have. They may not be broken down by group etc, but the number of murders committed, they already know that. The issue that you raise on using those statistics to calm community concerns: I think that's a question worth pursuing. Do police services currently use the information they already have in an effective way to calm people's nerves rather than to exacerbate them? My concern sometimes is that it has worked in the opposite direction. The issue that you raise is worth pursuing: How do we use what we already know in order to present an accurate picture of the crime situation in our community?

Mr Frankford: In this committee we've quite often interviewed appointees to police boards, from very big areas in the province to very small towns. It seems to me that there's not been a consistent reporting of the problems in the various areas, although sometimes there has, and it's often been quite interesting to get a breakdown of what is actually happening in bigger or smaller communities. In many smaller communities it's remarkably unspectacular what goes on and mischief is in reality the major problem.

Mr Mukherjee: Yes.

Ms Carter: Sometimes problems arise between local police service boards and town councils about policing budgets. I think this can be exacerbated by the fact that the province tends to lay down the rules whereas the local authorities are often coming up with the money. Do you have any ideas on how such a dispute can be resolved without going into a hearing process? That is to say, what alternative reconciliation measure could there be for that kind of difficulty?

Mr Mukherjee: I know that from what little research I have done, that's an issue for the OCCPS. I would think that it would be good if there were mechanisms available that allowed for the resolution of those disputes before they become a formal hearing. I was exploring the idea in my mind of, for instance, using a mechanism that businesses are using these days, which is a form of voluntary but binding third-party mediation. I don't know if it is feasible but it's worth looking at: whether the two sides, the town council and the local police services

board, cannot agree to some third-party mediation of that kind, which takes place at the local level, and both parties agree to abide by the solution proposed by this third party without resorting to a public hearing.

If that does not work, then they of course always have the right to come to a public hearing, but it's a voluntary mechanism that they invoke themselves and use to resolve their own difficulties with each other. That's one possible model that I can propose offhand that's worth pursuing.

There's a need to recognize that there are different interests involved here and they may not always be reconcilable. Sometimes there may not be an alternative to the formal process, but my belief is that if there are informal mechanisms like a third-party mediation available, then people will have less incentive to invoke the formal process all the time.

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Ms Carter: Do you think the system we have now whereby police are accountable to their local police services board sufficiently fosters police accountability to the public? Do you think this is a satisfactory system?

Mr Mukherjee: I believe it does. A side of me says that you can never have too much accountability when taxpayers' dollars are involved and where services that are so essential are involved. I also go back to the old comment by Sir Robert Peel that police are the public and public are the police. We have gotten away from that concept over time.

I think the police services board provides one mechanism to get back to that notion of the relationship between police and the public and the accountability that must exist. There's always room for improvement, but I think the mechanism itself is a sound one.

Ms Carter: Of course, one particular issue these days is police race relations. What do you feel the role of the Ontario commission on policing services could be in that area?

Mr Mukherjee: It could have a significant role. I would not like to leave the impression, since I don't know enough about what it has done in the past, that it has done nothing, but given that the mandate of the commission includes looking at the conduct of the police services board and the police chief, implementation of the sections of the Police Services Act, all those provide a tremendous opportunity for this commission to look at race relations as an integral part of good quality police services, whether it's in the area of community policing, which is the mandate of the chief, or employment equity, or what have you.

I think race relations, as an issue, can be looked at in relation to all those parts of the commission's mandate, and I think it should be. It should be integral to the way the police function.

Mr Cleary: Welcome to the committee. I'm going to wish you good luck because I know you're going to need it there.

Mr Mukherjee: Thank you, sir.

Mr Cleary: Having been a municipal person for some 15 years and in contact with many municipally elected

people, I share their concerns, and their concerns are that the best-qualified person may not be filling the position with the quota system in place. I would just like your comments on that.

Mr Mukherjee: You can never have a situation where the best-qualified person does not get the job. How one defines "best-qualified" may be another question.

I think there is a problem in respect of how employment equity programs have been communicated through public education etc, and how they are perceived. I think it is incumbent upon people who are in the position of hiring other people to give very clear information about what employment equity is intended to be and what it is not.

I think there are some misconceptions about the goals and targets, whether they are a quota or not, that need to be addressed, and they haven't been addressed effectively enough, in my view. So there's no question of not having the best-qualified person, and there is a need to communicate as effectively as employers can, including police services, what the true intent of employment equity programs is.

Mr Cleary: We have a program at our local college where I come from that's getting phased out, training young security and police officers. I know that many come into my constituency office—young, white males; good, young, clever people—and they're discouraged from taking the course because they know at the end of the day they won't have a job.

Mr Mukherjee: I think that's where Mr Frankford's suggestion about using statistics to clarify—you are talking about the area of crime but also the area of employment—what is the true picture, who is getting jobs and who is not getting jobs, are people really being denied jobs because they happen to be white males.

I think workforce statistics can be used to dispel some of those notions that people may have, which then run the danger of becoming a self-fulfilling prophecy, so that people don't apply. I think there is a need to inform using numbers, using facts, "Look, people are not being denied jobs because they happen to be white males; in fact, this is the composition of our force," in order to dispel the myth that may exist there.

Mr Cleary: Are you a member of any political party?

Mr Mukherjee: Yes, sir, I am.

Mr Cleary: May I ask which one?

Mr Mukherjee: I would like to hope that's information that I could keep to myself.

Mr Cleary: Thank you.

The Chair: Thank you for your appearance before the committee, Mr Mukherjee.

The Chair: Maybe what we should do next is move a motion to approve these appointments. Do you wish to approve them individually or do you wish one motion to approve all of them?

Mr Waters: Madam Chair, I move that we approve all three appointments.

The Chair: All right. So the motion would be to approve Sarah Maman as vice-chair of the Fire Code

Commission; Eleanor Paine as a member of the Province of Ontario Council for the Arts; and Mr Alok Mukherjee as a member of the Ontario Civilian Commission on Police Services. Is there any discussion on that motion?

All in favour of that motion? Opposed, if any?

Ms Witmer and Mr Cleary, you have to vote either for or against, or you may absent yourself from the desk.

Mr Cleary: I'll vote against.

Mrs Witmer: I would vote against too.

The Chair: All right, thank you.

Mrs Witmer: I would just like to explain why I'm voting against. I personally believe that anyone in this room is wasting their time and also taxpayer money. I mean, the whole thing is a charade, Madam Chairperson, personally. We come in here; obviously it's been predetermined that these people will be successful. I think we're not using our time to serve our constituents in the best manner possible, so I have trouble supporting the process that we're involved in.

The Chair: Your comments will be part of a discussion that we are going to be having today. The subcommittee has two jobs to do. One is to make selections for the next appointment review, but also today the subcommittee is going to be discussing the future work of the committee because originally the work of the committee was to review in depth agencies of the provincial government. Since we have something like 800 government agencies, boards and commissions, that gives a tremendous scope of work for this committee.

In the last three years, I guess it is, the work of the committee changed to where it would review these government appointments to ABCs and do the in-depth reviews of agencies only when the House was recessed. However, I have been receiving comments from members of the committee that they would like to possibly get back to doing in-depth work at reviewing agencies because there's always the possibility that this committee may decide some agencies are not needed any more. If they're not reviewed, as representatives of the people of this province, you don't really know what the work is that they're doing or if you want to make recommendations to improve what is being done or even to disband that organization completely.

I don't want to get into the discussion now but you have raised a point that as a member of the subcommittee you may make, and if you're not on the subcommittee today, whatever the subcommittee decides today will be the discussion for the whole committee. I think at the next meeting we're scheduled to deal with the report of today's subcommittee.

Mr Cleary: I would just like to say I'm on the subcommittee for today, and I think Ms Witmer said it well. I think we could've been using our time more wisely in the House this morning because there are some things happening in the House. As far as I'm concerned, it was another wasted morning.

The Chair: Of course, today is an unusual day, because we should explain for the record that this committee meets Wednesday mornings and normally private members' business is always Thursday mornings,

and there isn't normally a conflict. We have private members' business going on concurrently this morning because tomorrow is the budget, and Thursday's schedule of business has been changed to accommodate that.

Mr Waters: On the issue of what the committee does, as has been raised, originally I think the intent was that what you would do is you would have a list of people, and if indeed there was someone that you wanted to question their skills and ability on that job, you could do it. But what it evolved into, very quickly it seemed, was that we had to fill a schedule every week of reviewing people and we lost the other half.

We've been talking about it for some years, for the last three years from this side, about getting back to a balance between reviewing the appointees and reviewing the agencies, boards and commissions.

We've been in support of this for a couple of years, in fact actually initiated a number of discussions on it. I hope that this time we actually do create that balance, because to review people just for the sake of reviewing them is inconvenient to them and, I agree, it's a waste of our time.

If indeed there is a concern, then I believe this committee should be reviewing those people where there are concerns and taking a very close look at their qualifications, skills, abilities, but just to review for the sake of reviewing is a waste of our time. So I would concur and hope that we rapidly move into this new era of this committee.

The Chair: I respect the fact, Dr Frankford, that you

wish to speak, but I just want to suggest that the discussion should now be taking place by the subcommittee.

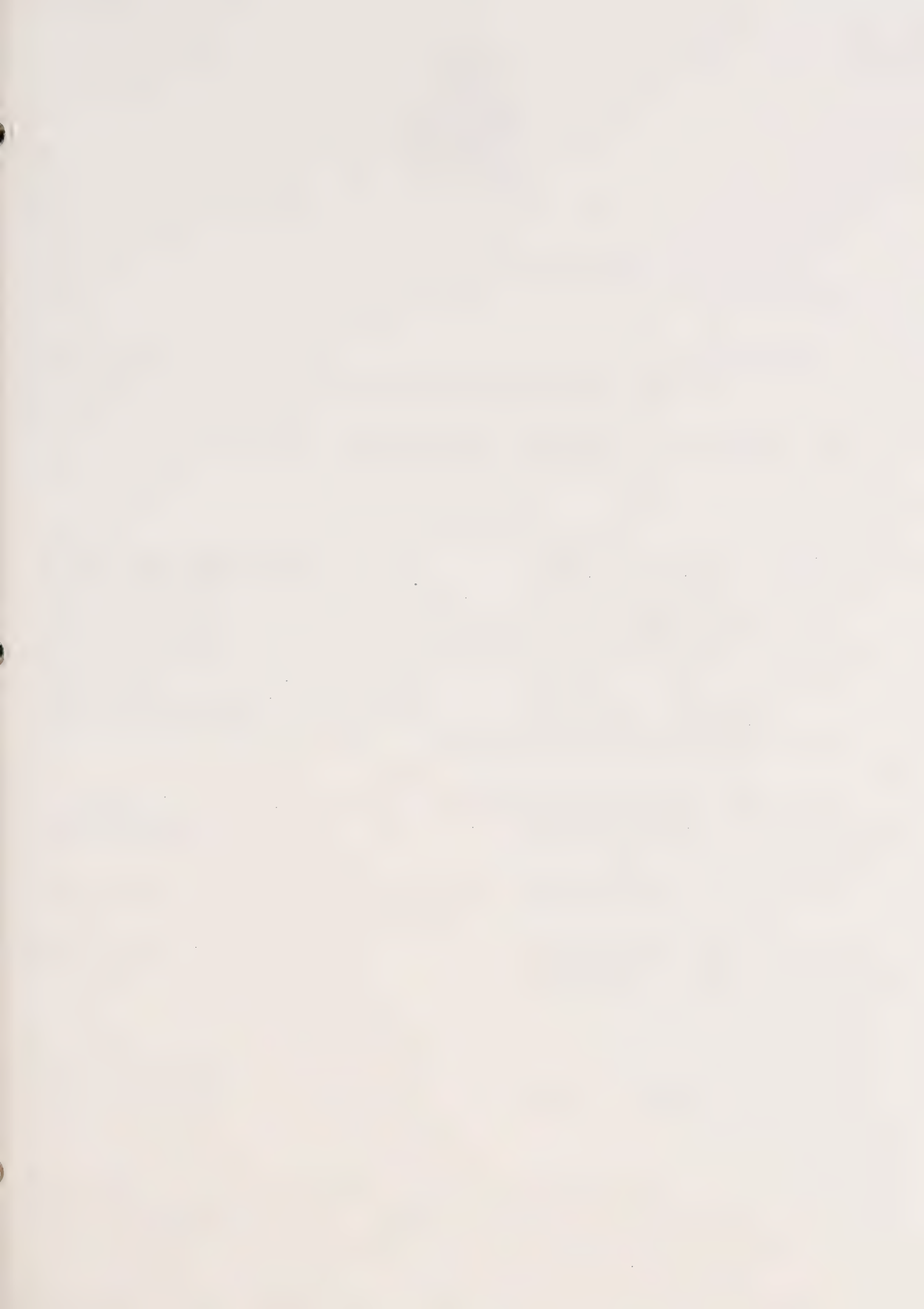
Mr Frankford: Very briefly, I recognize the historic role of this committee in reviewing agencies, and I think that is very valuable. In defence of what we encountered this morning, I think that there is considerable value in using this opportunity to talk to appointees, to specialized committees, to get some idea of their philosophy and for them to identify what the committee does and what they think it should do.

I think there are ways in which this can be a useful way of representing the public interest. Certainly, for instance, the first one this morning, a very technical field, but I think that it's of considerable value that we have the opportunity of speaking with them.

The Chair: We appreciate the opinions of the committee members on this matter. When we come back to the whole committee to discuss this, one thing we have to bear in mind is that it's very important, if we are going to go back to in-depth reviews of agencies, boards and commissions, that has to be done in a very formalized way with a time schedule because there's a lot of work and preparation, not only by our researcher, which indeed is a lot of work, but also by the agencies, boards and commissions themselves. So we can't say that we'll do an ABC because we don't have enough people that we need to have in. It has to be formalized and planned.

Anyway, I think that is the business of the committee today, so we will proceed with our subcommittee meeting and the committee stands adjourned.

The committee adjourned at 1135.



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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Mammoliti, George (Yorkview ND)
***Waters, Daniel** (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
***Witmer, Elizabeth** (Waterloo North/-Nord PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Sterling, Norman W. (Carleton PC) for Mr McLean

Also taking part / Autres participants et participantes:

McLean, Allan K. (Simcoe East/-Est PC)

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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Assemblée législative de l'Ontario

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Official Report of Debates (Hansard)

Wednesday 11 May 1994

Journal des débats (Hansard)

Mercredi 11 mai 1994

Standing committee on government agencies

Subcommittee report

Draft report
Ontario Food Terminal Board



Comité permanent des organismes gouvernementaux

Rapport de sous-comité

Rapport préliminaire
Commission du Marché des produits
alimentaires de l'Ontario

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 11 May 1994

Mercredi 11 mai 1994

The committee met at 1007 in room 228.

The Chair (Mrs Margaret Marland): Good morning. I'd like to call to order this meeting of the standing committee on government agencies. The work of the committee this morning is to deal with the subcommittee report, first of all, and then we are going to consider the revised draft report on the Ontario Food Terminal Board. I think just before we deal with the subcommittee report, Mr McLean has something he would like to do.

Mr Allan K. McLean (Simcoe East): I would like to withdraw the certificate of April 22 that we proposed to select, for the Ontario Council of Regents, Mrs Harriet H.D. Stairs—that we not proceed with that pick.

The Chair: That means that Ms Stairs's appointment will just proceed with the others without being invited to the committee for an interview.

SUBCOMMITTEE REPORT

The Chair: Now we'd like to move the report of the subcommittee dated Wednesday, May 4, which is dealing with the certificate of April 29, 1994. There were no selections from that certificate of April 29, and our subcommittee recommended that the committee review the following agency, the selection of the official opposition party; that is, the St Lawrence Parks Commission.

The third recommendation of that subcommittee was that the committee discuss priorities regarding the review of agencies and intended appointees at its meeting of Wednesday, May 18, which is a week today.

Would someone like to move the subcommittee report?

Mr McLean: So moved.

The Chair: Any discussion on this subcommittee report? All in favour? Thank you. That is carried.

DRAFT REPORT
ONTARIO FOOD TERMINAL BOARD

The Chair: Now we'd like to start the consideration of the revised draft report of the Ontario Food Terminal. I realize the committee did deal with this at a previous meeting, and because it was dealt with at a previous meeting, we need unanimous consent to reconsider this report.

At that meeting the report was adopted, I understand, but unfortunately the report does contain recommendations that are contradictory one to the other. So we have to decide which recommendations you would like to go forward. We can't just adopt the report in its entirety.

Do we have unanimous consent to reconsider that report? I see all the heads nodding unanimous consent, so I think then we'll proceed with the author of the report.

Since you have had this report before you once before, I suggest that if you have questions as we go along, we should deal with them as we go through and you should decide at each recommendation which one you want to go forward.

Mr Jerry Richmond: If you turn, there's a covering memo that I wrote in the package that Lynn has distributed. It's dated May 6. It should be self-explanatory.

As Mrs Marland mentioned, the committee considered this item on April 27 and the report is back here. In the memo that you see highlighted, some of the various issues and recommendations were alternative, and in some cases conflicting alternative recommendations are still before the committee.

What I'm proposing to do, if you look a few pages on at the table of contents to the report, I'm assuming that the first eight pages, the introduction and the background information on the food terminal, are accepted. That is purely descriptive information. So what I'm proposing to do is to start the review with the comments and recommendations section that begins on page 9.

The previous sections are descriptive. There might be some need for some minor editing, but I don't get a sense that there should be any controversy with the first nine pages.

I'm moving then to page 9 of the text of the report itself, the section "Comments and Recommendations." The first issue in the text on that page, and going over to the next page, on to page 10, there's description there of the policy issue of the possibility of updating or reviewing the enabling legislation and regulations that pertain to the food terminal. We will recall that the senior food terminal officials and the board members who appeared before the committee earlier did bring this matter forward as an issue to the committee. Pages 9 and 10 merely set out really what transpired.

I don't know whether you want me to read them or highlight them, or you could just glance at them if there are any questions. So those two pages, the text there is merely descriptive information.

If I could move over the page to page 10, the second paragraph on the page, the paragraph below the bullet points, that one sort of leads in to the recommendations below. You see, at the bottom of page 10 and over on page 11, there are two alternative sets of recommendations. With your permission, I'd like to read that middle paragraph on page 10 just to set the theme:

"In considering these matters the committee believes that, given the time required"—this paragraph leads in to

the recommendations below—to undertake a complete review and rewrite of the Ontario Food Terminal Act, it would be preferable to attempt to achieve these changes through appropriate food terminal board resolutions or policies, changes to board practices or through making or revising regulations pursuant to the statute. This latter method in particular would have to be pursued in conjunction with the Ministry of Agriculture, Food and Rural Affairs. In addition, the Minister of Agriculture, Food and Rural Affairs may give consideration to 'housekeeping amendments' to the Ontario Food Terminal Act to update its provisions."

Then the recommendation below, the first alternative, 1(A), leads into that. It merely reiterates the point above, that the approach to be taken, as one alternative in updating the statute and the regulations—maybe I should read that 1(A):

"The Ontario Food Terminal Board and the Minister of Agriculture, Food and Rural Affairs should seek to address issues relating to: the broader use of the government guarantee of the food terminal's debt; the preparation of up-to-date business bylaws by the food terminal board; clarification of the board powers; and ability to embark upon related new business ventures through modification of food terminal board policies and procedures and/or the revision of existing or making of new or updated regulations."

Then there's an additional point, and this you may want to consider. The section I just read sets out that the approach should be through looking at the policies and the procedures of the board rather than seeking a full-scale amendment to the statute, but the additional sentence there puts forward: "In addition, the Minister of Agriculture, Food and Rural Affairs should consider introducing 'housekeeping amendments' to the Ontario Food Terminal Act to appropriately update this statute."

Ms Jenny Carter (Peterborough): I would suggest we delete that last sentence.

The Chair: Which last sentence?

Ms Carter: "In addition," at the end.

Mr Richmond: At the bottom of page 10.

Ms Carter: "In addition, the Minister of Agriculture, Food and Rural Affairs should consider introducing 'housekeeping amendments' to the Ontario Food Terminal Act to appropriately update this statute."

The Chair: Are you making a decision between 1(A) and 1(B)? We have to have one of those.

Ms Carter: We haven't got to that yet, have we?

The Chair: No, so why don't we wait for your elimination of that sentence until we get to the next one?

Ms Carter: Right.

Mr Richmond: So 1(A), as I've explained, is an approach to amend these things by looking at the policies and procedures.

Over the page, on page 11, the alternative really speaks to a more, if I can use the word, drastic approach. It speaks to the updating of the statute itself. With your permission, I'll just read that section over the page, the alternative text and recommendation.

The commentary: "Since the Ontario Food Terminal Act has not been substantially changed or updated since 1946 the committee believes that, in the longer term, it is appropriate for the Minister of Agriculture" etc "to begin the process of systematically reviewing and updating this statute. A specific and compressed timetable to conduct consultation, draft legislation, introduce legislation in the Legislature and secure passage should be considered. This review would not only address the issues raised by the food terminal board but also other matters which arise through the course of the consultation and drafting process."

The proposed alternative recommendation 1(B) is: "The Minister of Agriculture, Food and Rural Affairs should begin the process of preparing a new and updated Ontario Food Terminal Act. This process should address issues raised by the Ontario Food Terminal Board and other matters that arise through the public consultation and drafting process."

That really sets out the two alternatives: 1(A), which is a policies and procedures approach; 1(B) with the text on page 11 and the 1(B) recommendation, which is a full-blown review and updating of the statute.

I would submit that the committee should consider one or the other of those alternatives or some combination thereof.

Mr McLean: It's up to the government to determine which one it would prefer. It doesn't matter to me.

1020

The Chair: Here's the government arriving now.

Mr McLean: I guess one of them will have to be left in or we might as well stop. The question is, which one do they prefer?

Ms Carter: Following the logic of what I said just before, I would suggest that 1(A) stands without the final sentence in this and that 1(B) falls.

The Chair: Falls?

Ms Carter: Goes.

The Chair: Okay. Ms Carter is suggesting 1(A), with the removal of the last sentence reading as follows: "In addition, the Minister of Agriculture, Food and Rural Affairs should consider introducing 'housekeeping amendments' to the Ontario Food Terminal Act to appropriately update this statute." When you take that out, it doesn't mean a great deal, does it?

Mr McLean: There's no point in going any further. If that's being taken out, we might as well stop now, in my books.

The Chair: If you take that out—oh, I have to remember I'm the Chairperson, so I will refrain from comments. I'll be a very—

Mr McLean: Chairs are capable of responding. They have that right as Chair.

The Chair: May I just say something, then? If people don't want me to say it, tell me, but obviously we have two recommendations here. Both of them are really suggesting that the Ontario Food Terminal Act be looked at, essentially. That's correct, isn't it?

Mr Richmond: Yes.

The Chair: I'm asking you because you wrote it.

Mr Richmond: Yes, 1(A) could be so construed if you keep in the last sentence.

The Chair: That's right; if you keep in the last sentence. I suppose dealing with this very first recommendation, we're deciding whether you want to make any changes in the rules under which the Ontario Food Terminal operates. Bear in mind, this is the fourth report this committee has done on the Ontario Food Terminal.

Mr Richmond: I think the fifth.

The Chair: Perhaps even the fifth.

Mr Richmond: Since the late 1970s.

The Chair: The thing is, the committee heard the presentations. Since 1979, this Ontario Food Terminal has been reviewed and reported on four times by committees of the Legislature. I've sat on three of them. In fairness, we have made recommendations before that haven't been acted on, but I think we're getting really bad if we're not even going to make recommendations. It does make the whole exercise a little superfluous if you really think we shouldn't make any recommendations about the act, but that is the choice of the committee. I'm just pointing that out to you.

Ms Margaret H. Harrington (Niagara Falls): I don't think we're saying not to make recommendations.

Mr McLean: Are you telling us that you don't want that last paragraph or that last part in there?

Mr Daniel Waters (Muskoka-Georgian Bay): What we're saying is we think the changes that should take place within the food terminal don't necessarily require a change in the legislative act under which the food terminal operates. If indeed you needed something, you could do it in other ways that aren't as cumbersome as putting it through the Legislature.

Mr McLean: What it's really saying is that the ministry should consider introducing changes." It doesn't mean to say they have to do it, and they probably won't do it, but at least we're recommending that they should consider it. That's very weak, at the least.

Ms Harrington: What it says in here is that the ministry "should seek to address" the following issues; that's in recommendation 1(A). We're asking the ministry to address the following issues.

Mr McLean: I'd like to just move a motion that we accept recommendation 1(A) as printed.

Mr John C. Cleary (Cornwall): I'll second that.

The Chair: The motion on the floor is to approve 1(A), as printed on page 10, as the recommendation.

I recall that you did ask questions during the committee about how the business of the food terminal could be improved. Also there's a sentence in here, "and ability to embark upon related new business ventures." One of those things I think came out of the discussion of the questions about how to protect Ontario produce and to make that the emphasis. Obviously, in order for some of those things to happen, there have to be some new business ventures. I'm just trying to recall some of the questions you asked from the point of view of changing things.

Mr Robert Frankford (Scarborough East): As I recall, 1(A) does address a number of things that we felt concerns about where we felt something should happen. It only asks for housekeeping amendments which are relatively straightforward, as opposed to 1(B), which is considering opening up the act. I think we all felt some hesitation about that because of the possible influence of GATT and NAFTA and all those other things which could supersede what the ministry wanted to do.

I think I can speak for my colleagues here that we would probably support 1(A). I think that reflects what our discussions did indicate.

The Chair: You were talking about the debt and you were talking about the fact that there is private sector business in there. Some of the private sector businesses are importing from the States some of their produce. They're solely importing from the States. I thought from what I overheard from your questions and the answers that there were things you wanted addressed.

Obviously, that is the motion that's on the floor, 1(A) as printed. Is there any more discussion? All in favour of 1(A) as printed on page 10? Okay, 1(A) is passed.

Recommendation 1(B) is therefore deleted from the report.

Mr Richmond: In going through the report, once I get it back to my shop, there might be a need for some editorial adjustments. I would presume that I would have authority to carry those out, respecting the overall wishes of the committee. It's just that some sentences might not fit; just minor things. If there's anything of substance, I will discuss it with Mrs Marland.

The Chair: Is that agreeable? Okay, that is agreeable. Thank you.

Mr Richmond: The next recommendation is number 2. I'll just read it. It addresses the issue that cropped up when we had the food terminal people before us.

Mr McLean: What page is it on?

Mr Richmond: Page 11, just under the 1(B) section, two thirds of the way down the page. That proposed recommendation addresses the issue which arose—there was some debate between the food terminal officials, and I believe their solicitor who was on retainer to them spoke to this—over the fact that at the present time the board does not have conflict-of-interest guidelines to address its operations. So this recommendation has been put forward as a possible approach to that.

1030

You may recall also that I did consult with the conflict commissioner and brought to you some background information on their perception of the issue of conflict guidelines. I spoke to Mr Evans's executive assistant. I'm sure most of you have met privately with him.

Number two reads: "The Ontario Food Terminal Board, with the assistance of its counsel and the Ministry of Agriculture, Food and Rural Affairs, should undertake to prepare and adopt 'Conflict of Interest Guidelines and Procedures' for board members. The memorandum of understanding between the board and the Minister of Agriculture, Food and Rural Affairs could be modified to give direction for the preparation of such 'guidelines.'"

The Chair: Okay. Are we in favour of that recommendation? Do we need to move every recommendation?

Clerk of the Committee (Ms Lynn Mellor): If there's no indication by anyone that they're objecting to it, no.

The Chair: All right. Is it unanimous then that we accept recommendation 2 on page 11? That's unanimous. Let's move on.

Mr Richmond: The next section deals with the matter of the update in status of proposed improvements in the food terminal's corporate plan. The current one is for fiscal 1992, 1993 and 1994 and the matter of the preparation of a new corporate plan. The text, unless you feel I should read it into the record, I would submit is probably self-explanatory. It just reviews what's been done and what remains to be done in terms of capital improvements under the current corporate plan.

One thing they haven't done is there is a plan to extend that overhead parking deck over the remaining portions of the farmers' market that lies below. Those of you who came on the tour would clearly understand that. That's the major capital improvement, and then there's a suggestion that they do a new corporate plan.

So unless there's discussion on the text, I'm moving to page 12. What I'll do is read the two proposed recommendations. For these, there are no alternative recommendations. These are just the ones I've drafted for your consideration:

"3. The food terminal board should work to expand the parking deck to both provide additional parking and extend coverage over the farmers' market. The board should pursue negotiations with the Ministry of Agriculture—etc; they have such a long title now—"to determine whether capital assistance would be available for this undertaking and/or also seek to finance this project through charges or fees levied upon terminal tenants.

"4. The food terminal board should proceed with the preparation of a new and updated corporate plan to identify capital improvements and other objectives to be undertaken during the 1990s to maintain the terminal as an efficient and effective public facility to meet the needs of the wholesale produce trade."

The Chair: Are you in favour of those recommendations? Okay, those recommendations, 3 and 4 on page 12, stay in the report. Now we move to option A and option B on pages 12 and 13.

Mr Richmond: This is one of those where there are clear alternatives put forward. There was a farmers' market task force report that was prepared in 1992 that we made reference to earlier, and I do have a copy of that. I believe the clerk distributed that to committee members, so the details of that are available to you.

There is a recommendation in there—and this certainly generated a lot of discussion during the committee's review—to prohibit "non-Canadian fruits and vegetables, limiting vendors of non-Ontario fruits and vegetables" in their activities and ability to sell this non-Ontario produce in the farmers' market and in the farmers' market only. For those of us who toured the facility, the farmers' market is located underneath the parking deck. The

vendors come in there and have essentially open-air parking stalls where they open up the backs of their trucks and sell their produce.

There are two options here. Option A essentially recognizes the status quo. If you want, I can read the commentary, but it essentially recognizes and makes an argument for maintaining the status quo in that there may be a few vendors who sell, in off-season, non-Ontario produce due to market demands. But the perception and argument in there is that this is not a widespread activity and that essentially the argument is made to just leave things as they are. If you want, I can read this into the record.

The Chair: Since the report will be filed as part of the record, I don't know that we need to read it, unless the committee members wish that.

Mr Richmond: On option A there's no real recommendation that's put forward; it's just a commentary. The final sentence in the shaded section on option A on page 13 just reiterates that: "Because of these issues, the committee is not in a position to recommend a specific course of action on this matter at this time. The food terminal board and the Ministry of Agriculture, Food and Rural Affairs may, however, monitor the situation and hold further deliberations on this matter if conditions warrant."

So it sort of leaves it up in the air.

The Chair: How different is option B?

Mr Richmond: Option B comes down more firmly and essentially makes an argument and includes a text for a very strict restriction upon the sale of non-Ontario and non-Canadian produce by vendors at the farmers' market. The recommendation on page 14 reads as follows:

"5. The Ministry of Agriculture, Food and Rural Affairs should cooperate with and assist the Ontario Food Terminal Board in seeking to preserve and maintain the farmers' market at the terminal as a facility for the exclusive marketing of Ontario-grown produce. An appropriate policy to this effect should be adopted by the food terminal board."

So that's quite definitive, as compared to the previous option, which is essentially the status quo.

The Chair: I think we should discuss the alternative recommendation in light of the fact that option A is a status quo, more or less.

Ms Harrington: What you're saying is that recommendation number 5 actually goes with option B and not with option A.

The Chair: It goes with option B.

Mr Waters: So if I understand it correctly, option B would not only restrict out-of-country but also out-of-province produce?

Mr Richmond: Like BC apples.

Ms Carter: But I seem to remember that the people on the board were not happy with the status quo with regard to that situation, that they felt vulnerable, that they couldn't enforce restrictions that they wished to enforce.

The Chair: If we made it exclusively Ontario produce, would we not be in the situation possibly of having

to create another facility for those other times of the year when everything comes from outside of Ontario? I suppose one argument for this facility is, it's one place all the retailers go and all the wholesalers go all year-round. Would there not be months when, if we said only Ontario produce, that wouldn't work, if they couldn't go there for the imported, even other Canadian provinces?

Ms Carter: Of course, the other produce does come through the other firms that function there. There are channels that are open all year-round for imported produce.

Also, going by the farmers' market in my own city of Peterborough, there always is something, such as potatoes and local apples that have been carefully put away, that is available during the winter.

1040

The Chair: Well, how do you feel about it?

Mr Waters: I made a note way back when—the last meeting on this, anyway—that said that I was a bit concerned about restricting it to Ontario only. Our federal government has two trade deals out there that run counter to that. If we open an act—if the act is in existence I think we're safe—and say we're going to put more restrictions on, do we run afoul of the federal government and its trade deals with the US and Mexico? I think we need to have an understanding of that before we jump over this.

The Chair: I don't think this involves opening the act. The recommendation says an appropriate policy to this effect should be adopted by the board, so I think it's telling us that it's within the purview of the food terminal board to change a policy and it doesn't involve opening the act. Is that right?

Mr Richmond: That's the way it reads.

Mr Waters: Okay. So it wouldn't involve opening the act to do this? That was a concern that I had. I really think that unless there is a lot of widespread abuse, the system seems to be working as it is, so why would we change it?

Mr Richmond: I just wish to point out, the text on page 13, in defence of option A, the status quo, I believe reiterates some of these concerns as expressed by Mr Waters.

Mr Waters: I'm reading the first sentence in the middle paragraph, which starts, "The committee also..."

Mr Richmond: I've got some commentary here and I'll take some excerpts out. The middle of the page there, on page 13:

"The committee believes that to impose and enforce a rigid restriction on non-Ontario produce at the farmers' market would be a complex matter from both policy and legal perspectives. Vigorous enforcement of this provision could also arouse the concern of other provinces with respect to possible assertions of 'restraint of trade' by an Ontario government agency at a time when provincial governments are attempting to remove and limit interprovincial barriers to trade within Canada. Such an action might also be interpreted as contravening Canada's continental and international trading obligations."

The Chair: Do you want to accept option A as it's written?

Mr Waters: Yes, I'll be supporting option A.

The Chair: All right. The committee supports option A.

Mr Richmond: So option B is to be deleted in its entirety and recommendation 5.

The Chair: All right. Now we're on to the favourite subject of perpetual leases. Maybe we should go to the recommendations.

Mr Richmond: Straight away?

The Chair: I think so, because everybody knows that subject pretty well.

Mr Richmond: Okay. The commentary reviews it and, as the Chair indicated, it's been around for a long time. The recommendations are on page 16:

"6. The Ontario Food Terminal Board, in association with the Ministry of Agriculture, Food and Rural Affairs, should continue to monitor commercial conditions with respect to the perpetual nature of the A and B unit warehouse leases. The board should take advantage of any opportunities where tenants may be amenable to voluntarily surrender their leases or where businesses may otherwise give up their leases.

"7. The Ontario Food Terminal board should monitor market conditions and (as a proposal every five years; the earlier 'C unit' project was cancelled in 1990)"—if you decide on the five years you can probably take out the phrase 'as a proposal'—"in 1995 assess possible tenant interest in reactivating a plan to build additional new warehouse units ('C units') at the terminal which would be offered for lease without a perpetuity clause."

Mr Waters: Madam Chair, It isn't often that somebody from the committee asks you to step out of your chair for a moment and comment, but I know for a fact that you have been in other reviews and I wouldn't mind hearing your comments on both of those, because you have reviewed as a committee member before.

The Chair: My feeling about the Ontario Food Terminal is probably exactly the same as yours, that is, that it's a publicly owned facility, owned by the taxpayers of this province, primarily for the purposes of the people who live in this province, people who are in the business of growing produce, as it was originally established. I think it's a very important question about how it has evolved with a small group of people having priority of tenure.

Every time we review this agency, I think of this one focal point, maybe two. One has always been, should we make it exclusively Ontario produce? At one time, before we had the sophistication of produce growing all year round all across North America, that was probably a valid comment, but I still think the priority should be for Ontario produce. But then we come down to, who is actually there and who is actually benefiting? When you look at the monetary value of these leases, you realize there's an exclusive enclave of people who have that tenure.

Every time we talk about it, we say: "It would cost a

lot of money. It may end up in big legal fees fighting for the right of other people to have leases there." I wish somebody could show me some other government-owned property, where the government owns the land, owns the building and operates it—I mean, if there's a deficit here, the government will pay it because it's a government facility. Where else like that does anybody have a lease in perpetuity? You can't even lease a campsite from one year to the next. It's an incredible anomaly that was set up years ago under you-know-who's government.

I'll bet you're really glad you asked me. I don't have the solution; I can only tell you how I feel about it every time I hear about it.

Mr Waters: I have no problem with either of the recommendations, except personally I'd like the recommendation to be more aggressive when it comes to getting rid of the perpetual leases. I don't think we're saying clearly that they need to force the issue. I believe Madam Chair is also saying that, that we would like to encourage them to force the issue and get rid of these leases. I have the same feeling.

Mr Cleary: Probably this is one thing we all feel the same about. I guess we're in changing times in the 1990s, in many ways. I for one have had problems with some things there for a considerable time, and I would like to know how we could go about gradually changing it. Possibly some change could come under the recommendations. You might want to strengthen the recommendations a little; I don't know.

1050

Mr Waters: Could we maybe say something to the effect that "the board should seek out every opportunity," something a bit more aggressive? It says, "the board should take advantage of any opportunities." I want them to actually spend some time working on a plan to end those contracts, so that's the type of wording I'm looking for.

The Chair: The way it's worded here, it's a bit like waiting for Santa Claus, isn't it? Would you consider buyouts?

Mr Waters: If the leases are worth that much, we'd get our money back without too much trouble.

The Chair: Do you know what I think, now that you've asked me? It's a big mistake to have asked me, Dan. I honestly think this is one recommendation where we have to have the ministry responsible for the act start to look at a way to find the remedy.

I have great respect for the existing board. I don't have any relationship with any of the existing board. In fact, I couldn't name them; I know the board members who came before this committee. I don't have any connection with them. But in fairness, if this recommendation is asking the board to do something, it's a bit like asking the rooster to do something in the hen-house, isn't it? In fairness, I don't know that we can ask the board to develop a remedy. I think what you're saying is that there has to be an end to these perpetual leases that are so limiting the tenure to a few lucky people.

Ms Carter: I think we'd all like to see them gone, but the government of the day did give its word to these

people. It would be a bit dangerous just to say, "All right, we've changed our mind after so many years." I think you have to be a little more subtle than that.

The Chair: That's right, Jenny, so what we have to do is get some brilliant legal advice, and the people to do that are not those of us who sit on this committee. I think the responsibility of this committee is to state our concern about the perpetual nature of A and B unit warehouse leases, as has been stated by other committees, and ask the ministry, with its legal staff, to develop a solution, because that's not what we have to do. We have to make the recommendation that the solution is needed.

Mr Waters: If we were to go down to the sentence where it starts "the board" and put in something that says, "therefore, we recommend that the ministry work with the board in an aggressive fashion to end the perpetual leases at units A and B," is that strong enough?

The Chair: It's very clear. Our researcher has scribbled something.

Mr Richmond: This is just a thought. It would be recommendation 8, so it's an additional recommendation. You'd add 6, 7, and a new one, 8: "Over the longer term, the Ministry of Agriculture, Food and Rural Affairs should investigate methods of equitably modifying the perpetual nature of the leases."

The Chair: I prefer Dan's. Yours is very polite, Jerry. I'm not saying Dan's is impolite, but yours gives too much latitude.

Mr Waters: My concern is "over the longer term."

The Chair: That's right. What is that?

Mr Waters: If you were to start recommendation 8 off with, "The ministry and the board should immediately..." and then go on with the rest of it, that might be better.

The Chair: How long have those leases just been extended for? I hate to ask. Is it 30 years? Some of us are going to be dead and buried.

Mr Richmond: The current leases run to 2014. They've been renewed on 30-year terms.

The Chair: Well, that is ridiculous. That means we can't do anything for 30 years anyway, but what's going to happen 30 years from now? Some other committee's going to be sitting here saying, "Terrible thing, those perpetual leases."

At the bottom of page 14, it says, "The current 'renewal warehouse lease' extends for 30 years from 1984 to 2014." I'm happy to say I wasn't on the committee in 1984 when that happened. I came the next year.

"Legal opinions presented to a previous committee indicated that the current leaseholders would be entitled to compensation if an attempt were made to terminate these leases."

We know that, but maybe we should make it a direct recommendation that we find out what the cost of compensation would be to make the operation of the terminal more accessible to more people and therefore more equitable.

I remember a few years ago when they were talking about closing down that site, selling the property and

relocating it north of Highway 401 because of transportation corridors, because it had got so busy downtown. I suppose if we built a new facility near better transportation, we'd end up saying to all these same people: "You've still got your lease. You're in this brand-new building. It's still that nobody else can come in."

It has to be a very unique situation, and it's regressive, in my opinion. I'm probably really upsetting all the leaseholders. Fortunately, I don't know who they are.

Mr Waters: I agree. I think we should be quite strong on it. Indeed, maybe we should within the recommendation even suggest that they look at the buyout option.

The Chair: There's a buyout option, which means paying compensation. There also has to be developing a new policy about how those leases—I mean, maybe they should be five-year leases, with a cap. There can't be that much equipment. I suppose some people have expensive refrigeration equipment and so forth.

Mr Waters: It's my understanding that most of that belongs to the food terminal, the coolers.

The Chair: Do they really?

Mr Waters: I believe they said when they came in here that the refrigeration part does.

The Chair: It's very unique, isn't it?

Mr Waters: It's something like a doctor who only works in a hospital. Everything is supplied.

The Chair: If this weren't government-owned, it would be a monopoly, wouldn't it? It's a government-sponsored monopoly, is what it is. Boy.

We have a new recommendation from our researcher.

Mr Richmond: I've tightened up my Santa Claus recommendation. A proposed number 8: "The Ministry of Agriculture, Food and Rural Affairs and the food terminal board, on a priority basis, should investigate methods of equitably terminating the perpetual nature of the leases. A buyout option and/or shorter-term leases should be considered."

That would be a new, free-standing recommendation. I guess it reflects some of the debate, because it shifts the major responsibility to the ministry.

The Chair: Don't you want to say "must" instead of "should," that they "must investigate methods"?

Mr Waters: "Shall" is better.

Mr Richmond: "...shall investigate methods of equitably terminating the perpetual nature of the leases. A buyout option and/or a shorter-term lease should be considered."

The Chair: "Must be considered." I think it's giving direction.

In that case, we don't want to leave 6 and 7 as written. I don't think we need 6, do we?

1100

Mr Waters: In fact, could we not substitute number 8 for number 6 and just do away with number 6? Number 6 basically says they should eventually look at voluntarily surrendering.

Mr Richmond: So delete number 6?

Mr Waters: Delete 6 and replace it with your recom-

mendation 8, which was very firm. Could you read it back to us once more, now that you've changed the words?

Mr Richmond: But if we keep number 7, should not the proposed number 8 follow 7? The numbering would change. The current number 7 would become number 6, and the proposed number 8 would become number 7, and any other numbering I'll just adjust. The printed 6 is gone.

The Chair: Could you read it now for the committee members? We'd like you to read the new number 7.

Mr Richmond: "The Ministry of Agriculture, Food and Rural Affairs and the food terminal board, on a priority basis, shall investigate methods of equitably terminating the perpetual nature of the leases. A buyout option and/or short-term leases must be considered."

The Chair: One of the powers this committee has is to ask an agency to report back to us in six months' time. If you want to know how this is going, you could add another recommendation, or as part of that, "and shall report back to the government agencies committee in"—what is it? It's when the committee's sitting, so it would have to be maybe next March or this November, whenever you want.

Mr Waters: It's May right now. Why don't we give them one year from the date this report is filed, which would be a year to this date.

The Chair: But then they'll only do it in April. For them to find a way to do it, they've got to sit down and do it. Do you not think six months is long enough for them to do that?

Mr Cleary: Madam Chair, they could give us a progress report in six months' time.

The Chair: That would be worthwhile. We're asking for a progress report on this recommendation to the committee in six months' time.

Mr Waters: From the time it's tabled.

The Chair: Yes. So it may end up being in March, by the time we sit, to see it again.

Maybe we could send you all a copy when this is cleaned up, so you see it in print. Would you like that?

Mr Waters: Yes, I would like to have a finalized copy, nice and clean.

Clerk of the Committee: Would the subcommittee be sufficient?

Mr Waters: All the committee, actually. It is of interest to every member of the committee, especially those of us who have fruit-growing or farming within our region.

The Chair: That's right. Next week, when we're discussing the work of the committee, we could look at this at the beginning of the meeting; it's not going to take very long. Is that okay, Jerry? Can you do it by next Wednesday so we can look at it at the beginning of our meeting? That's the 18th.

Mr Richmond: Okay.

The Chair: Well, we're making headway.

Mr Richmond: There's one thing I noticed, and this

relates to editorial changes when I get back to my office, just so you get some understanding of this. On page 15 I see two sentences that'll probably have to go. I'll just bring this to your attention while we're here; there may be others.

In the second paragraph on page 15, there's a sentence beginning with "The abrogation of the leases...." If that sentence doesn't go, it will certainly have to be modified to reflect the new recommendations. My sense is that it'll probably have to go.

The Chair: Do you know what you could do? You're going to do all this on the computer, and it's easy. For next week, you could highlight the existing sentence and then follow it with the change, so we can look at the existing and look at the change together, one after the other.

Mr Richmond: Or where I delete things, I'll just strike it out, put a line through it.

The Chair: And then put the new one in so they can look back at what it was. Can I just ask the committee members one other thing? Apart from the perpetuity of these leases, how do you feel about the rights of the lessees to sell those leases?

Mr Waters: As it exists now, where they have the right for perpetuity and also have the right to sell them?

The Chair: They do, don't they?

Mr Waters: Going along with our new recommendation 7, they should have no alternative but to sell those leases to the board. In other words, you can't sell them to another citrus and fruit company or whatever. You can't flip them for profit; they have to go back to the board.

The Chair: But don't you find it interesting that they've been able to do that, and then what they sell it for doesn't come to the Ontario government but comes to them?

Mr Waters: It's a nice deal, if you can get it.

The Chair: Okay. Jerry, I think we need to say something along the lines that the committee would want the understanding that all leases—well, what are you saying?

Mr Richmond: That the board should get first right of refusal.

The Chair: I think you should say that no leases should be sold. The management of those leases rests with the board. If I vacate my lease, I vacate it.

Mr Waters: It reverts to the board.

Ms Carter: What about subletting the leases?

The Chair: That's the same thing, isn't it?

Mr Waters: I think subletting would be used to get around the fact that if you want to give up your lease, it has to go to the board. Subletting's just a way of getting around it, so I don't think we should leave that loophole open.

The Chair: I'm just wondering about if it were in an estate, for example. I think under any circumstances, the ownership of the lease is always with the board and must revert to the board. Is that what you think?

Mr Richmond: I scribbled something down as a

suggestion that I might be able to work into the new recommendation 7. I hope this isn't a Santa Clause one, Madam Chair. "The committee believes that the board should also have first right of refusal in the sale or transfer of leases."

The Chair: No, that's not what we're saying. That's saying that if the board refuses it, it's still theirs to give away.

Mr Waters: What we want to say, if I might, is that there is no alternative. They cannot have first right. It has to be returned to the board, period.

The Chair: "Upon termination of the lease, the lease reverts to the board."

Mr Waters: And I would include that if there is an intention to sublet that the lease would return. Include them both. Don't give them the weasel way out.

The Chair: Then you're saying there would be no subletting by the lessee, and upon giving up the lease, the lease returns to the board. That's straightforward, isn't it?

1110

Ms Carter: I don't know what the legal terminology is, but the point is that the full value of the lease should be paid to the board. Whoever is actually using the facilities, the money they pay should all go to the board, and not to somebody who's taking a rake-off.

The Chair: That would be written in the lease, that they owe the rent to the board.

Ms Carter: If you sublet, that wouldn't happen, would it?

The Chair: No, but you're not interested in subletting, are you? I think you were saying no subletting.

Ms Carter: We just want to have wording to make sure that can't happen. That's the point.

Mr Waters: My concern is that if we allow subletting and you have somebody who has a lease in perpetuity, they can sublet that lease for ever.

The Chair: Yes, they could. That's right.

Mr Waters: And you don't want them to have that right. What you're saying is, "If indeed you're not going to occupy the space you have leased, that space reverts to the board," and that's the end of it, and the board then finds a new tenant.

The Chair: "If you vacate the premises, your lease is terminated." I think we should say something as clean as that: No option of subletting.

Mr Waters: I think Jerry understands where we're coming from, so maybe we can give him a week to come up with something for us on that.

Mr Richmond: I have some notes here. It might take an addition to that new recommendation 7.

The Chair: You know what the committee is saying.

Mr Richmond: Not being a lawyer, though, even as a non-lawyer, I get a sense—I don't know whether you'd be trampling upon people's rights here. Not to defend the lessees, but they do have a valid legal document.

The Chair: There's no question that we're going to offend the lessees, but I think 30-year perpetual leases are offensive to the taxpayers of this province who provide

this facility, and I think that's what the committee is saying this morning. The committee members are not going to design their recommendations around whom they offend and whom they don't. They're trying to do something that's representative of the interests of the people of the province.

I don't expect you can have Hansard to refer to, but you've heard clearly what the comments are this morning. We'll look forward to the version that addresses a prohibition on subletting and the control of the lease being only in the jurisdiction of the board.

Let's move to the next recommendation.

Mr Richmond: Just a minor editorial change to what is now recommendation 6; it was recommendation 7. The phrase "as a proposal" would be deleted.

The Chair: That's right.

On page 18, we've got two alternative recommendations. Can we just deal with the recommendations? Otherwise, we'll never get this finished.

Mr Richmond: Those recommendations address the issue of the possible privatization of the food terminal.

The Chair: That's interesting.

Mr Richmond: And there's extensive commentary before that on pages 16 and 17.

Recommendation 8(a): "The Ministry of Agriculture, Food and Rural Affairs should act to ensure that the Ontario Food Terminal is retained as a self-sustaining public agency. Both the ministry and the Ontario Food Terminal board should continually strive to improve efficiency and the financial performance of the food terminal operations."

Recommendation 8(b) could be an alternative, although, in looking at these, both recommendations 8(a) and 8(b) could stand. They're not strictly contradictory. Let me read 8(b).

"The Ministry of Agriculture, Food and Rural Affairs should conduct a feasibility study, to be tabled in the Legislature, of options to 'privatize' the operations of the Ontario Food Terminal. Such a study should seek to retain the operation of a wholesale produce market at the present Etobicoke site and enhance financial returns to the provincial treasury."

The Chair: Shall we go on and look at 9?

Mr Richmond: Recommendations (a), (b) and (c)?

The Chair: Is there a (c)?

Mr Richmond: Yes. That's another issue, though. That's the social contract.

Mr Waters: My preference is that we keep the food terminal in the public domain. I think it has served the public well. There have been some problems, but in the overall, it has been in the public domain for a number of years. It isn't something that's costing us vast sums of money and running a deficit. Therefore, I think we should go with option (a).

The Chair: And if it were running a deficit, that could be remedied before we'd have to think of privatizing it. That's the purpose it was set up for. Do you agree, John?

Mr Cleary: Yes.

The Chair: Then we accept 8(a) as the recommendation, and 8(b) is gone.

We're now on page 19. As we're identifying the pages for the sake of Hansard, maybe we don't need to read them. It would just be faster.

On page 19, we have recommendations 9(a), (b) and (c), and 9(a) and (c) are contradictory, so you're going to have to choose between them.

Mr Waters: So is (b).

The Chair: Oh. You're going to have to select one of these three recommendations.

Ms Carter: I don't think 9(a). I don't think it's fair.

Mr Waters: I believe, because of the nature of the wording in the social contract, we have to go with (a). Since Ontario Hydro and other agencies, boards and commissions of the province fall under the rules of the social contract, I can't see how we can exempt one. Therefore, I would recommend that we go with (a).

The Chair: In (c), Dan, it's got to be resolved between the board and the government.

Mr Waters: I can take (c). I prefer (a), but my sawoff would be (c).

The Chair: In the case of (c), it's not the committee overriding the board, and the government is going to tell the board what it has to do.

Mr Waters: Okay, (c) is passed.

The Chair: Okay, 9(c) is passed.

Mr Richmond: I believe that's the end of the alternatives. There are a few more recommendations. Recommendation 10 on page 22 relates to the food terminal's conservation and waste reduction program, its 3Rs program.

Mr Waters: I don't have any problem with 10 as it's worded. It's saying: "You're doing a good job with the 3Rs and energy. Keep up the good work and keep looking for new and innovative ways."

The Chair: John, is that okay with you? Okay, that's approved.

Mr Richmond: The next section, recommendations 11 and 12, address the matter that since the food terminal was established in the late 1940s, trucks have become the dominant mode of transport for produce at the expense of rail, but the food terminal facility still has a rail spur track going in there which, in my perception and indeed from our tour and statistics, is underutilized. We saw that facility when we were there. The recommendations propose a study to look at the possible dual use of the rail spur, that in the interim—there are only a few boxcars coming in—they look at maybe using it also for trucks, but not take out the rail line coming in there.

Our recommendation 12 deals with a broader issue, provincially and nationally. We've seen in the paper that the two transcontinental railways are looking at consolidating their operations in eastern Canada. That's been in the press, that CN and CP are looking to consolidate from Thunder Bay east. Recommendation 12 just proposes a meeting to look at the possibility of whether there's any

chance of improving rail service, retaining that mode.

The Chair: They're fairly straightforward. Is there any discussion of 11 or 12? Are you in favour of recommendations 11 and 12 on page 23? Okay.

The final recommendation, on page 24, is recommendation 13. That's a given, I would have thought. It's a good recommendation to reiterate, though. Is there any discussion on that, or anything you want to add? So the committee is in favour of recommendation 13 on page 24? That's carried.

Thank you very much. That was a good piece of work by the committee members this morning and a very good piece of work by Mr Richmond, who prepared the draft report for us. There's an understanding now, because you

have as a committee made two or three very significant changes in your own recommendations this morning, that at the beginning of next week's meeting we will simply focus on those with Mr Richmond, and then it'll be finalized next week.

Mr Waters: Probably less than half an hour is needed to do this, so there's no problem that we would still have lots of time to fulfil our wishes for next week.

The Chair: Which is to discuss the future work of the committee. We will be having a subcommittee meeting immediately following this meeting, but for the purposes of this meeting this morning, I thank you for your attendance. The committee stands adjourned.

The committee adjourned at 1123.

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 - Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Richmond, Jerry, research officer, Legislative Research Service

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Wednesday 18 May 1994

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 18 May 1994

Mercredi 18 mai 1994

The committee met at 1009 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mrs Margaret Marland): I call to order the meeting of the standing committee on government agencies.

The first order of business this morning is the report of the subcommittee dated Wednesday, May 11. I think you all have a copy of that report, which confirms that there were no selections from the certificate of May 5, 1994, for interviews of appointees; and the second matter being that the selection of the government party for agency review is the Ontario Securities Commission. That's all that is included in that report.

Would someone like to move adoption of that report? Moved by Mr Waters.

Is there any discussion of that report? All in favour? That is carried.

DRAFT REPORT

ONTARIO FOOD TERMINAL BOARD

The Chair: Now we are going to take what I hope will be a very fast confirmation of the report on the Ontario Food Terminal Board, and then we will get into a very important discussion for the future direction and work of this committee. Unless there are any questions, we will proceed with Mr Richmond showing us what it was in this report that last week the committee directed be changed.

Mr Jerry Richmond: Thank you, Madam Chair. Good morning, everyone. You've got the report in front of you. Following the committee's instructions, what I've done with the computer is that we've either struck out—put a line through—or used shading to show the additions. If you glance at the table of contents, you'll see some of the changes.

Turning to page 8, I reviewed the text quite thoroughly to reflect the committee's new position, particularly your stronger position against the perpetual leases. On page 8, there's a sentence that has been deleted, and that was done to reflect, you'll see a bit later, your stronger new position against the perpetual leases.

If there are any questions, by all means, otherwise I'm just going to run through this quite quickly.

If you turn to page 9 and just flick over the page, you'll see on page 10 the adjustments that were made in the recommendation relating to the updating and review of the Ontario Food Terminal Act and the regulations. You see the deletions on page 10 to reflect the preferred option of the committee. That should be relatively

straightforward, and it reflects our discussion of last week.

Moving to page 11, you see those deletions continued, and you have the second recommendation on the conflict-of-interest guidelines.

Moving right along to the corporate plan, there are no changes there. That merely reflects the debate.

On page 12, on the business of restricting non-Canadian or non-Ontario fruits and vegetables, you see that the preferred option is now included and option B on page 13 has been deleted. That merely reflects our discussion of last week. And you see the continuation of the deletions on page 14 to reflect, once again, the committee's preferred position.

The section on the perpetual leases begins on page 14, and this section generated the most substantial changes.

On page 15, I took the liberty of deleting a number of sentences that I felt didn't flow when you consider the position the committee took against the perpetual leases. I took the liberty of removing those sentences because it seemed strange that you were making various arguments in defence of the leases and then suddenly, bang, you get recommendations against them. Those sentences, with respect, I've taken out, and I don't think it changes the overall meaning.

On page 16, you see the modified recommendations 6, 7 and 8. The previous 6 was deleted. Mrs Marland referred to it as a "Santa Claus" recommendation, with respect, Madam Chair, so that one has been deleted. The current number 6 has been adjusted slightly to improve the wording, and 7 and 8 are new ones which reflect the committee's discussion of last week. Should I read 7 and 8, Madam Chair?

The Chair: No, I think everybody's got it in front of them.

Ms Jenny Carter (Peterborough): You're moving a bit fast for us to read the stuff, though.

The Chair: Well, go ahead and read it.

Mr Richmond: Maybe I'll read 6 too so we get the sense of it. These are the recommendations reflecting last week's debate on the issue of the perpetual leases:

"6. The Ontario Food Terminal Board should monitor market conditions every five years (the earlier 'C unit' project was cancelled in 1990) and in 1995 assess possible tenant interest in reactivating a plan to build additional new warehouse units at the terminal, which would be offered for lease without a perpetuity clause.

"7. The Ministry of Agriculture, Food and Rural

Affairs and the Ontario Food Terminal Board investigate"—I think we're missing a word. It should be "should" or "shall."

Mr Daniel Waters (Muskoka-Georgian Bay): "Shall investigate" is what we finally said. We wanted to give them a very firm, stern direction.

Mr Richmond: "...shall investigate methods of equitably terminating the perpetual nature of the warehouse leases on a priority basis. A 'buyout' option and/or shorter-term leases must be considered. The ministry should provide a progress report on this recommendation to the committee within six months of the tabling of this report in the Legislature.

"8. Upon termination, or the intention to sublet a warehouse lease, the warehouse lease should revert to the Ontario Food Terminal Board."

Mr Waters: It was changed to "shall."

Mr Richmond: "Shall" rather than "should"?

The Chair: Yes.

Mr Richmond: "...shall revert to the Ontario Food Terminal Board. In addition, if a tenant vacates the premises the lease shall be deemed terminated."

The Chair: How do you interpret, in number 7, "on a priority basis"? I think I know what Jerry means, but if somebody else from the outside is looking at it for the first time, what do you think that means?

Ms Carter: I'm not sure what it does mean.

The Chair: I'm not either. I think I know what you mean, Jerry. Are we saying we want them to do it soon? Or the other way I read it was "equitably terminating...on a priority basis." We're asking that the investigation be done now, but the way I read it, "on a priority basis" could revert to "equitably terminating." Why don't we say "immediately investigate" and take off "on a priority basis"?

Mr Waters: "...shall immediately investigate methods of equitably terminating the perpetual nature of the warehouse leases," period?

The Chair: Yes, I like that. I'm only the Chairman. Oops, I'll sit back again.

Mr Waters: No, no. This particular report has been a cooperative report.

Mr Richmond: "Shall immediately"?

The Chair: Yes, Dan said "shall immediately," and then finish it after "warehouse leases." Is that okay with everyone?

The "immediately" is to investigate, at least to start it. It's going to take them quite a long time.

Mr Waters: If you don't say "immediately," if you read the very last sentence in that recommendation, you're saying you want them to report back on their progress within six months, so with "immediately" all you're doing is reaffirming what you're saying later on.

The Chair: I think it's good.

Ms Carter: Yes, and you're saying what should be considered later on too, so that's there.

Mr Waters: "On a priority basis" should be struck, and it's "shall immediately."

The Chair: Maybe Jerry can re-read it, because we won't see this again.

Mr Richmond: "7. The Ministry of Agriculture, Food and Rural Affairs and the Ontario Food Terminal board shall immediately investigate methods of equitably terminating the perpetual nature of the warehouse leases" period, and that phrase "on a priority basis" would be deleted. Then it just continues on as is.

In 8, the first "should" in "warehouse lease should revert" would now read "shall revert."

Mr Waters: That's right. It just brings it in line with what you're saying later on.

1020

The Chair: You want the "shall" later in 7 as well, don't you? "The ministry shall provide a progress report."

Mr Waters: "A buyout option or a shorter-term lease must be considered," which is consistent, I believe, and then it should say, "The ministry shall provide," because we should be consistent.

The Chair: And then the other change is "shall" in number 8.

Mr Waters: Yes. That makes it consistent throughout.

Mr Richmond: A point of clarification: When I was reading last week's Hansard, I put in that phrase in recommendation 7, "The ministry shall provide a progress report...within six months." I can understand the committee wanting to focus on that particular recommendation and its importance, but I'm just wondering whether you would want to apply that six-month review to all those recommendations relating to the perpetual leases or whether you want it to only apply to number 7.

Mr Waters: I see 7 and 8 intertwined and being almost one recommendation. What we're trying to say is that no matter how you terminate them, whether they decide to give up the lease or whatever, it goes to the board. Yes, I have no problem with that.

Mr Richmond: So do you want it to apply to recommendations 7 and 8, or all three of them?

Mr Waters: My feeling is 7 and 8, but how do you feel, John?

Mr John C. Cleary (Cornwall): I could go along with 7 and 8.

The Chair: You know what I was just thinking? What I think the committee wants is a written progress report. Do you think we should say that?

Mr Waters: I don't care whether it's a written progress report or whether they come before the committee for an hour and give us an update. One way it's on Hansard and therefore is official, the other way it is a written report and therefore is official, so either way. When I did this before in another committee, about the WCB, they had to come back and go on Hansard about their progress. Either way is official. That's the intent.

The Chair: The only reason I'm raising it is that if the committee isn't sitting at that time, you might like the written report to peruse until such time as the committee is sitting. In order to speak to them six months from now without it being a selection, we want something that addresses the fact that the committee has the option of

reading their report and having them in to talk to them about it.

Mr Cleary: I don't think it would inconvenience them too much to come before the committee in approximately six months' time or whenever the timing is right. Writing a report or being here to answer questions are somewhat different, in my opinion.

Mr Waters: So your preference is that they come before the committee.

Mr Cleary: I think so. That would be my preference.

The Chair: "...make a progress report on this recommendation to the committee." Then I guess it's all right the way it is. They're going to make the report to the committee.

Mr Waters: Yes, because even if they give us a written report, we are the committee, and if in six months' time we get a written report and we as a committee decide we're not happy, we say: "We want you in to explain this. The day is such-and-such a day, and we want an hour or two hours for you to explain to this committee, on the record, what you have done." I don't have any problem with either way. I still believe you cover it.

The Chair: But do you not think there might be an advantage to receiving a written report you can review, so that when they come before the committee you've already got questions you can ask them, and there are no surprises? I think we should have both so it flows that way, and that's a good flow if the committee actually isn't sitting at that time. You've got the report and then, as soon as the committee is sitting again, they are there to discuss the report.

Mr Waters: I don't have any problem with what you're suggesting, as long as there is an understanding that they must respond to this committee, because we are not giving up on this issue. It has been out there for a long time, with several reviews, and the time has come, we are saying, that they must respond and deal with the issue.

The Chair: Do we have to identify the committee?

Clerk of the Committee (Ms Lynn Mellor): No. It's "respond to this committee." It's the report of the standing committee on government agencies.

The Chair: So we had better say "this committee." "The ministry shall provide a progress report on this recommendation to this committee," just so there's no question about where the report goes. Go ahead.

Mr Richmond: In your debate of a few minutes ago, I asked you a question, and I should have the gist of it. On that sentence, "The ministry shall provide a progress report within six months," one alternative would be that if you moved that sentence down and, let's say, made it a new recommendation 9, you could then apply the progress report to both recommendations 7 and 8, because the two are linked. The way it is now, they would, strictly speaking, come before you and give a progress report on only recommendation 7. But recommendations 7 and 8 are closely intertwined.

The Chair: Yes, that cleans it up.

Mr Richmond: So if you moved that sentence down and made it recommendation 9, "That the ministry shall provide a progress report on recommendations 7 and 8 to this committee within six months of the tabling of this report in the Legislature," then it would be very clear.

Mr Waters: I have no problem with that, because I want it to cover both.

Mr Richmond: If that's your wish.

Mr Waters: It beats writing it at the bottom of recommendation 8 as well as recommendation 7.

Mr Richmond: So that would become a new recommendation 9, and we would specifically say in there "a progress report on the two previous recommendations."

Mr Waters: You could say, "The ministry shall provide a written progress report on recommendations 7 and 8 to the committee within six months of the tabling of this report in the Legislature." You could actually go that far, could you not?

The Chair: "And shall appear before the committee to discuss the report."

Mr Waters: I don't think we have to say that. We have the right as a committee to say, after they've given us the written report, "We're not satisfied with that; therefore we're calling you in."

The Chair: The clerk is saying they don't have to be on the list for review because we've already reviewed them and this recommendation is part of that review. That's great.

Mr Richmond: We would then have a new recommendation 9 that would read as follows: "The ministry shall provide a written progress report on recommendations 7 and 8 to this committee within six months of the tabling of this report in the Legislature."

The Chair: Any further discussion? Okay, let's move on.

1030

Mr Richmond: The remaining changes I think are just housekeeping.

We've got the section on page 16 on the consideration of privatization of the food terminal, and, moving to page 18, you see we've deleted the alternative recommendation and we've got the preferred one. That reflects last week's debate.

Moving to page 19, on the business about the food terminal being bound by the social contract, we've now got the third recommendation, what used to be 9(c). That's the preferred option. The recommendations here will be renumbered to reflect the new recommendation previous, so we'll just carry out that housekeeping.

Madam Chairman, that's about it. The rest of the text, except for some housekeeping, is as it was before.

The Chair: No further questions? So is it the agreement of the committee that this report will be sent for translation?

Mr Waters: I move that this committee adopt the report as revised today and sent for translation, and also authorize the Chair to report to the House.

That covers everything we have to do, right?

The Chair: Any discussion on the motion? All in favour of that motion? That's carried unanimously.

Thank you, Mr Richmond.

COMMITTEE BUSINESS

The Chair: Our next item of business is not on our agenda, but we are to consider the future work of the committee, and the subcommittee discussed this in a preliminary fashion. There has been concern by the subcommittee members that we could be using the time of the committee more productively in doing in-depth reviews of government agencies, boards and commissions, and as we have in excess of 850 of these in the province, we have lots of scope. If they're not reviewed, the concern is that we may have legacies of ongoing ABCs some of which—who knows?—maybe should be disbanded or should have their mandates changed, and the work of the Legislature is so onerous that we never get enough time to do enough work in that area.

We're open to discussion by all members of the committee now of what our options are, whether we would agree to set aside one meeting a month to do appointments, or two meetings a month, or whatever you want to do—it's up to you—and balance it off with doing agency reviews also when the Legislature is sitting, not just when the House is in recess. And I guess we still have to get the agency from the other two parties.

Clerk of the Committee: We have one agency to come.

The Chair: It's the Conservative selection that we don't have. We have the Ontario Securities Commission from the government, the St Lawrence Parks Commission from the official opposition.

Mrs Elizabeth Witmer (Waterloo North): We would suggest either the Ontario Film Review Board or the Council of Regents.

Ms Carter: Are there any research data about which agencies might be candidates for sunseting and so on? You said there are hundreds of agencies, and I'm sure as members we're not aware of which ones might be dead wood just sitting there. Can we ask for somebody to look into this?

Mr Waters: Which committees are actually active and which are sitting somewhat dormant.

The Chair: That's a very good suggestion, and we certainly could ask our researcher to do that. That could be part of when we actually start to select which agencies we will do. Obviously, that would be very valuable information to have and I appreciate the suggestion. But I think what you need to decide first is how you would like to order the work of the committee.

Ms Carter: It might depend on what was turned up by such research, what kind of volume of business there would be to deal with. If it turns out that there are a lot of agencies that should be investigated on those grounds, then obviously we'd need the time to do it.

The Chair: We all have a copy of this infamous orange book. We might like to have some meetings where we invite in two or three agencies, just to find out what they do rather than doing an in-depth review, and then, based on what we learn from their mandate as they

see it, you might want to know more about it or you may rather select others for an in-depth. I can see two levels of work here, first reviewing what some of them do.

That's one of the things I notice when we're questioning our appointments. Fortunately, because of the research work done by the researcher for each appointee, we learn about that individual agency, and we often want to ask the appointee how much they know about that agency.

I think you can approach it from two avenues: agencies you want an in-depth review of, the kind of reviews we've been doing; and others for which you want information about what their work is.

Ms Carter: Obviously, some are very familiar to us and we know they're useful, but I'm just wondering what there might be out there that never comes before us.

The Chair: We know what Ontario Hydro does, for example.

Mr Waters: We had a fairly lengthy discussion last week on this very issue in subcommittee, and what we have found is that when we go to review appointments, in a lot of cases it is indeed our curiosity about that agency, board or commission that leads to the selection of that particular appointment, not necessarily questioning the qualifications of the person who has the appointment.

What I would like to see is a balance of reviews of agencies, boards and commissions, and included in that, as you've suggested, maybe one day or an hour or a half-hour—I don't know what it would take—to get an idea of what some of these boards and commissions actually do first hand; but also, at the same time, always remembering that there are appointments we should be looking at. We do have 30 days in which to select, and there are at times people that we, from all three parties, would like to bring forward, either to highlight the fact that all three of us agree this is a wonderful selection or to question the qualifications and the match of the appointment.

I think what we need to do is somehow create a balance of those three things. I don't think it can be written in stone, but we can have an understanding, I guess, that this is the way it should go as long as there isn't something that comes along and throws the whole thing out of kilter.

1040

The Chair: The clerk is suggesting that we could leave that direction at the responsibility of the subcommittee. Say you agree that once a month you would review appointments, and if, at some time other than that, there was a very important appointment that the subcommittee agreed should be reviewed, it in essence would probably only be a half-hour or an hour anyway to be fitted in.

How would you like to proceed? Would each caucus like to select three or five agencies for a review of what their mandate is and from that decide whether you'd like a full review? Or would you like to do that as one part? At the same time, we now will have three agencies selected for a full review. Will that be in the recess?

Clerk of the Committee: It will have to be, because they need a good month's notice to prepare.

The Chair: By the time we come back after next week we're going to be into June, so those three agencies that have now been selected will be dealt with in the next recess.

Mr Waters: On the three agencies, could I get clarification from Ms Witmer about which, of the two she's suggested, she is really going to go with this time around? You suggested two in this round. What we have traditionally been doing in the committee is that it's the government party, the official opposition, then the third party. Actually, whoever starts, it's been around and around, one, two, three. I personally would like to know which of the two you would like to go with this round, and then the other you can either leave till the next round or indeed change your mind.

Mrs Witmer: I'll go with the Council of Regents.

Mr Robert Frankford (Scarborough East): The suggestion of a broader look at which agencies might be redundant and sunsetted is interesting. I just suggest that there might be another sort of generic approach in another sector.

It seems to me that a number of the agencies are really very technical. I don't have the list in front of me, but in Agriculture and Food, in Health and probably some other areas, there are some very technical agencies. I wonder if that would be a useful review, to get a sense of how those technical agencies function without us getting into a minute review of one particular one, which might be far too technical for us.

The Chair: That could be part of your choice of your caucus.

Mr Frankford: When one is choosing particular agencies, it requires a considerable amount of research time. Maybe this generic approach wouldn't require so much research, that it could be a discussion with, say, representatives of the appropriate ministry.

The Chair: We can't give an unreasonable amount of work to our researcher. If you are talking about selecting three to five agencies from each caucus, that they come in and you ask questions and they tell you what they do, I don't see that it's necessary, for that kind of review, to ask our researcher to prepare reams of pages, because they're going to come in and you're going to ask the questions that interest you. Is that what you would agree to?

Mr Waters: One of the things we should try to tie down is that if the—shall we call it the curiosity hearings that we want to do? I don't know what we want to call them, but the short ones to get an understanding of what those ABCs do. Not only do I not want David to work day and night for a bunch of material we won't even use, I also don't want agencies preparing reams of things. We just want to have some idea of what they do on a day-to-day basis and what their purpose and function is. I think we should try to develop a way of communicating with these people that, "We don't want you to set some staff person aside for a month and a half or something."

The Chair: Our clerk has a good suggestion.

Clerk of the Committee: In addition to all the material that David prepares for you, part of the notifica-

tion is including a questionnaire, asking them to prepare financial statements and submitting any materials they have that would give us any basic background. If we were to review that questionnaire with the subcommittee and see if there's any area they feel we might want to eliminate or might want to emphasize to the different groups, we could design a more tailor-made questionnaire to go to the people from whom you don't want as in-depth a review. We could tailor the request to them differently than we would to the people where you're doing an extensive review.

The Chair: I think Mr Waters's point is very valid about that preliminary review. We certainly don't want the agencies involved in a lot of preparation, because in that preliminary kind of review it's obviously information they're going to have right at the top of their head.

Mr Waters: One other question is that as we do this, if we indeed decide that once a month will be set aside for appointment reviews, how does that fit within the standing orders?

Clerk of the Committee: The subcommittee could still meet on a weekly basis and review the certificates on a weekly basis, which would dispose of them as quickly as possible. You've got 30 days from the day the certificate is actually released, and then you've got another 30 days from the time the committee reviews it. If there were any indication that the committee would have trouble meeting that 30 days, you've got that 14-day extension. I'd keep track of that. If there was going to be a problem on the date that is set aside for review, that you'd need that 14-day extension, then fine. If even with that there was difficulty, we could hold the certificate until the next meeting and review two certificates at one meeting, just so we stay within all the standing orders.

I think the important thing is, first, for the committee to see whether there is anybody, but also to let the secretariat get on with its appointments, if they're not going to be reviewed by the committee, as soon as it can.

The Chair: I'd like Mr Pond to also make a couple of comments, but how many agencies do you think we could reasonably review when the House is sitting if we're talking about in-depth agencies?

Clerk of the Committee: You picked the three for this year. You had a week on each during the recess and you still haven't cleaned up your reports. Hopefully, your last report will be cleaned up in June in time for us to get it translated and printed for tabling in the House, or otherwise we're looking into the recess. So a good six months to do three.

The Chair: And when the House is sitting, we only have eight hours a month.

1050

Mr David Pond: Just a couple of points of clarification: This book lists all agencies currently active in the province, so if it's in here, you know it's working, so to speak.

On the point about sunseting, I'll look it up for you. Management Board does have an internal sunseting process whereby all ABCs are supposed to be reviewed internally every three years. I'm sure they have a sched-

ule, and I'll try to get that for you. Some agencies do get terminated. There are a couple not listed in here for which this committee's reviewed appointments in the past. So every once in a while some of them do disappear. The Citizens' Advisory Committee on the Oak Ridges Moraine, which we reviewed some appointments to a couple of years ago, and the Task Force on Advanced Training, which Mr Pitman headed up—we reviewed his appointment a couple of years ago—have been terminated and they're not in the book any more. So it does happen on occasion.

The Chair: I was amazed when I looked through some of them. Quite frankly, I did learn the importance of some of them, which, when you're going through superficially—the fence-viewers commission or whatever is a terribly important agency to farmers in this province.

I'm looking for direction from the committee.

Mr Waters: Direction as in the coming weeks immediately, or in the long term?

Clerk of the Committee: We have to be looking at the fall, really. This summer, we've got the selections for the three but the notice will be going out for it over the recess. You're really looking into how you want to tailor your hearings when the House is sitting in the future, starting in the fall.

Mr Waters: What have we got left, five weeks or four weeks?

Clerk of the Committee: You've got next week as a constituency week, so four weeks.

Mr Waters: I was wondering how long the Ontario Securities Commission would take, because it is in town and it's a lot easier. To bring in the official opposition's group one day a week, every week, is difficult. That isn't fair to that group. If we have a Toronto group, it's a lot easier to ask it to come up.

Clerk of the Committee: Even for that, to give them this short notice to prepare for an in-depth review that would start, for example, during the last week the House is sitting in June, is still not a lot of time, and then you're only going to get them for perhaps two and a half hours. You'll still have to look at them during the recess.

Perhaps you'd be further ahead to identify how much time you'd need for full days with them during the recess. Maybe the subcommittee could look at that today, how much time it thinks it's going to need for each of the three picks. Then you can get your letter in to the House leaders as to how much time you will require during the recess to do the reviews. Then we could fit the report-writing into the fall schedule, as you have this time, as well as working in reviews of other agencies.

For example, instead of spending the time we have on this discussion today, it might have been having Jerry going over part of a report, and then going for an hour or an hour and a half with one of the agencies you just want to get some insight on.

The Chair: I can see too, with the St Lawrence Parks Commission, that the committee will want to go down and look at those facilities. I remember that with the committee reviewing the fort in Thunder Bay—I can't remember its name—there was a lot of discussion before

we went to see it and to speak to the board up there that maybe it was time for the local municipality to take over the responsibility for this historical aspect of maintaining these forts and providing summer programs for tourists: Where was the benefit and what was the real cost, and just how important was that? Well, you get an entirely different perspective when you actually go there and see the facility and see the people who use it and see what it means to that local community.

When we're sitting in our ivory tower down here, we're very removed, unfortunately, from the reality of a lot of things that are going on outside, especially when you get into rural Ontario. I think the St Lawrence Parks Commission is a good example.

Mr Waters: If indeed we do travel down there, my colleague Mr Cleary and I both know what Charlottenburgh Park looks like today and we're probably the only two members of the committee who have an understanding of what it's going to cost to open that park. I have no problem with actually going and visiting the park. In fact, there's a wonderful building at Upper Canada Village that we could use for some hearings.

The Chair: Mr Cleary, is it in your riding? Is your riding part of that?

Mr Cleary: Oh, yes. To get back to that, if the political will were there, it wouldn't cost anything to open those parks. They're a disgrace.

Interjection.

Mr Cleary: You can laugh, if you want. I don't care what you do. It's the truth.

Mr Waters: It's just that the fact that it isn't going to cost anything is an interesting concept.

Mr Cleary: Not the government, I said.

The Chair: Let's not get into the debate of the pros and cons. I know it's hard not to get into that debate.

You see, what you've just said, John, is all the more argument for the fact that people do have to see what it is that we're talking about, if that indeed is an example.

Mr Waters: In the case of the St Lawrence Parks Commission, they actually have a proposal that will help make them more self-sufficient, a capital proposal. Maybe we could look at that while we're there because that would be part of the review. There are some things they're doing or have on the drawing board that would help their situation. Other than the rental of parks, there are other things they've got on the boards that are quite interesting.

The Chair: What I'm saying is that there are some reviews that you simply can't do in the isolation of this building. We have a clerk who's very good at renting buses with square wheels, so it's not like we're looking at a big cost to get down there and back. That may be something that will be part of that particular review, but I'm only using that as an example. What we were discussing was how much work we have now agreed to and how much time.

Obviously, we've got the work set out for the recess, and we have one day in June already booked for appointment reviews.

Clerk of the Committee: You have the Ontario Human Rights Commission report to work on in June, and you have one day set aside, so far, for intended appointments, and the subcommittee will be meeting again today on intended appointments. So I would think you've got your work ahead of you.

Mr Waters: We're pretty well booked.

The Chair: We are, because we're not going to get through the Ontario Human Rights Commission report the first time we look at that draft.

Mr Cleary: Madam Chair, maybe I didn't answer you right. The parks commission goes from the Quebec border to west of Kingston. It spreads across my riding, but the actual offices of the St Lawrence Parks Commission are not in my riding. I have to put up with the weeds and the stuff in my riding.

The Chair: What I meant was, is part of their property in your riding? Obviously, it is.

What do you want to do about ordering the business of the committee in the fall?

Mr Waters: Seeing that in the discussion this morning everybody seems to be in agreement about creating a new balance in the committee and having pre-hearings or whatever we want to call them, where we are now going to start looking at people for an hour or so just to find out what they do, seeing how we all seem to be in agreement in the committee, I think it should be up to the subcommittee to sit down with the respective caucuses and come back with a list, then sit down as a committee and decide in what order we want to do this list and how far we want to go before we start actually selecting.

The Chair: Would you suggest three per caucus?

Clerk of the Committee: I would think, if you really intend to get through, even with just a one-hour or an hour-and-a-half review, it would be optimistic to look at any more than a maximum of three per caucus.

The Chair: Let's say you would come back with three per caucus for this preliminary review—

Ms Margaret H. Harrington (Niagara Falls): Could we call it an agency overview?

The Chair: That's a good term, because it is just an overview; that's a good suggestion. If it's an hour, it's still only 20 minutes per caucus.

Clerk of the Committee: And you're going to want some kind of presentation.

The Chair: That's right. We're going to want to hear from them too, to start with. Looks like we can only do one a week, doesn't it?

Mr Waters: That would be my suggestion, that we do one a week. In an hour, they will make a presentation and we're also going to want anywhere from five to 20 minutes each as a caucus to discuss this with them. You're eating the morning.

The Chair: That's right. Let's agree that you'll each come back with three names, and we'll do one each caucus in order until they're done, and we'll do one per week. So they would have a half-hour presentation, then you would each have half an hour of questioning.

That's great. I think we've made some good progress in ordering the business of the committee. Frankly, my sense as Chair is that the committee members will get more out of this mode of approach.

Ms Harrington: They all know what appointments they'd like to have, right?

The Chair: For sure.

All right. I'm glad we've got that decided, and I thank you for the open discussion on it. We are going to have a brief subcommittee meeting this morning. Other than that, the rest of the business of the committee is completed for today. Thank you for your attendance.

The committee adjourned at 1104.

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**In attendance / présents*

Substitutions present/ Membres remplaçants présents:

Hansen, Ron (Lincoln ND) for Mr Malkowski

Clerk / Greffière: Mellor, Lynn

Staff / Personnel:

Pond, David, research officer, Legislative Research Service

Richmond, Jerry, research officer, Legislative Research Service



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Official Report of Debates (Hansard)

Wednesday 1 June 1994

Journal des débats (Hansard)

Mercredi 1 juin 1994

Standing committee on
government agencies

Comité permanent des
organismes gouvernementaux

Draft report
Ontario Human Rights
Commission

Rapport préliminaire
Commission ontarienne des droits
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 1 June 1994

Mercredi 1 juin 1994

The committee met at 1013 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mrs Margaret Marland): Good morning. The first item on our agenda is the report of the subcommittee dated May 18 where, as you will see, there have been selections made for reviewing intended appointees. Are there any questions on the report of the subcommittee? If not, would someone like to move approval?

Ms Margaret H. Harrington (Niagara Falls): I so move.

The Chair: Mrs Harrington moves the adoption of the report of the subcommittee.

All in favour? That is approved.

DRAFT REPORT

ONTARIO HUMAN RIGHTS COMMISSION

The Chair: The next item is the revised draft report on the Ontario Human Rights Commission.

Ms Jenny Carter (Peterborough): We're just carrying on with our review of the document. I seem to remember that last time we had just dealt with the first of the four recommendations at the end of the report, which was response to the Cornish commission, so logically we should proceed to the other three recommendations.

The Chair: Mr Pond is going to take us through it.

Mr David Pond: Ms Carter's referring to page 26. From there to the end, I summarize the proposed recommendations that have emerged from past meetings of the committee. The only one the committee has formally approved thus far is at the top of page 27, and it appears in shaded ink, which is recommendation 2. As you'll recall, at the last meeting there was an extensive debate on the proposed recommendation 1, on page 26, and then on number 2, which was formally approved. That was about as far as the committee got.

Mr Alvin Curling (Scarborough North): Have we dealt with recommendation 1, the Cornish report? We haven't dealt with that.

Ms Carter: I believe we did.

The Chair: I think every committee member received a copy of the report from the Ombudsman to the Ombudsman committee. Yes? So you've seen that. Mr Curling, you have been attending those meetings, haven't you? There were two meetings the Ombudsman herself attended, right?

Mr Curling: I wasn't there when she herself made her presentation, but I was there before.

But coming back to the Cornish report, are we saying

we have dealt with that? In what capacity? In other words, what have we agreed on? We felt at the time this report was drafted, "The government of Ontario should formally respond to the Cornish report."

Ms Carter: Yes.

Mr Curling: And what did you say?

Ms Carter: That it should indeed respond to the Cornish report. But I'd like to add to that that the submission and comments made by the minister, which in fact she did not get to read into the record at the committee, should be included in the final report.

Mr Curling: No, she didn't have it in the report. How can you now submit it in the report? You said she didn't get an opportunity to read it in at the committee meeting, and you say you're going to submit it now because she didn't get an opportunity to do so?

Ms Carter: That it should be included in the report.

Ms Harrington: As an addendum.

Ms Carter: These comments do include a number of remarks on the Cornish task force, which would then be in the report.

Mr Pond: We have a copy of the statements. All the members got that, so it's already typed and so on, if you want to include it as an appendix.

Ms Harrington: I would recommend it as an addendum at the end.

Mr Pond: As an addendum to the report?

Ms Harrington: Yes.

The Chair: Recommendation 1 doesn't say to whom the government should respond. Do you want that statement to stand as it does? It doesn't really give very much direction, does it? If you're making a recommendation that "the government of Ontario should formally respond to the Cornish report," what is it that we are saying as a committee? Are we saying we'd like them to respond to the recommendations of the Cornish report or act on the recommendations of the Cornish report? I think it has to say more than it says here. Reading this committee's report, I'd read that recommendation and say, "What is that saying?"

Ms Carter: It's just that a formal response is needed, not that it necessarily agrees or doesn't agree with the Cornish report.

The Chair: But to whom would the response go, and do you want it in a certain time frame?

Ms Carter: I would imagine to the committee.

Mr Curling: The Cornish report was submitted to the

minister, and some recommendations were made in that Cornish report. I'm just wondering if the report shouldn't reflect that the minister should respond to the recommendations in the Cornish report. We said "formally respond to the Cornish report." I don't know what "formally" really means, what it meant when we said that. The Cornish report made some recommendations. Does she agree with it or not? Is she looking into it?

Ms Carter: I think the answer to that is complex. Some of the recommendations of the report which don't involve legislation have already been implemented, but some of the major suggestions will not be acted upon because the ministry feels that changes at the Human Rights Commission need to be evolutionary rather than sudden changes such as you're suggesting.

1020

Mr Curling: Wonderful. You agree with me then, really, to say the minister can respond formally to the Cornish report. It will be much easier for her to do so because, as you said, they've already acted upon some of the recommendations. The minister should respond formally to the Cornish report about where action has been taken, where action will not be taken on these recommendations. They're hanging there. Although she's acted upon some, she's really not acting upon the Cornish report; she's acted upon some initiatives she has that somehow reflect some of the recommendations.

Ms Harrington: What I'm hearing is that we need a formal response and a public response to each of the recommendations of the Cornish report.

Ms Carter: Yes, which is what is said here and what we agreed.

Ms Harrington: That's what we mean here.

The Chair: May I ask you, because as Chair I don't want to lead you, since you are the committee that has reviewed this agency and the Cornish report has been part of your review, would you like that response to come to this committee from the minister? You, on the one hand, have reviewed the Cornish report, and your question now is that you'd like the government response, but in order for you to have that, would it not make sense for the minister to report back to this committee?

Ms Carter: I don't see why not.

Mr Curling: I just want to make clear that Mary Cornish has never gotten a formal response to her report, so I presume she could get a response to the recommendations made in that report.

The Chair: I don't think it's within our purview to deal with whether or not Ms Cornish received a response from the government, because the government commissioned her to do the study. I think what is for you to give is the direction about the work of this committee, and in order to have the work of this committee completed you need to know what the government's going to do with the Cornish report. You would achieve that by having the minister report back to this committee. So this needs to be reworded. Have you any suggestions how you might reword it, Mr Pond?

Mr Pond: "The minister should formally submit a response to the committee," something along that line. I'll

obviously have to come back to you anyway.

Mr Curling: Could you mention in there whether the recommendations are being acted upon or not?

The Chair: I don't think it should be "should." It would be, "The government of Ontario, through the minister, shall formally respond to this committee on the recommendations of the Cornish report." And would you like it in writing? Is that what you're suggesting?

Ms Carter: Sure.

Mr Pond: And as agreed, we will attach the minister's speaking notes, and I'll put in a reference to that ahead of this recommendation so it makes sense to the reader.

Ms Harrington: Have we clarified recommendation 1 to everyone's satisfaction?

The Chair: It'll come back finalized to be approved anyway.

Mr Pond: Yes, you'll see everything at least one more time, I would think.

Recommendation 2 was already dealt with, as Ms Carter mentioned a minute ago.

Recommendation 3, at the top of page 28: When Ms Brown appeared before the standing committee on the Ombudsman in May this issue came up. Also, you should have in front of you the document submitted by the commission, Commission Response to Recommendations Made to the Standing Committee on Government Agencies, April 25, 1994, as part of your package. Number 3 on the bottom of page 2 of that document responds to this recommendation.

You'll note when you read through it that the commission is really responding to the notion that the staffing of the commission should represent the cultural diversity of the province. Only in the last sentence on the top of page 3, "The principle of diversity is also utilized in the appointment of commissioners," does the commission respond to this particular recommendation.

Mr Curling: Can I just back up a bit on the employment equity stuff at recommendation 2? This is just a note of an issue that was raised about employment equity.

Is it correct to say in this that "once the Employment Equity Commission is established, many human rights complaints currently filed with the Ontario Human Rights Commission will in future be submitted to the Employment Equity Commission"? I tried to get a clarification out of whoever came before us, but the minister didn't tell me, or even the Employment Equity Commissioner, that that would be the case. Right now there is a systemic discrimination section or division or whatever within the Human Rights Commission, but the Employment Equity Commission is really dealing with systemic discrimination in employment. Is it a fact that cases will just be transferred?

I gather that when someone brings a complaint before the Human Rights Commission, they still deal with it. Some of it may be systemic, but the individual coming to that process doesn't know if the complaint is systemic or endemic; they just know they have been shafted because of their colour or their sex or something that individually

affects them. What I'm hearing here is that those cases would just be transferred to the Employment Equity Commission. Is that so?

The Chair: I'm looking to the government members, because that's not an answer Mr Pond can give you. If that question wasn't asked when they were before the committee, unless the government members are—none of you are PAs in that ministry, are you?

Ms Carter: I'm in Citizenship.

The Chair: You are, Jenny. I'm sorry. Then maybe you can answer Alvin's question.

Mr Curling: That question was asked quite often.

Ms Carter: I'm just a bit puzzled as to where we are. We're looking at section 3, are we?

The Chair: Mr Curling is back at the bottom of page 26, asking another question. At the bottom of page 26 it says: "The committee expects that once the Employment Equity Commission is established, many human rights complaints currently filed with the Ontario Human Rights Commission will in the future be submitted to the Employment Equity Commission. This should help to relieve the Ontario Human Rights Commission's workload." Mr Curling is asking is that so?

Ms Carter: I guess the answer is yes, that the commission will look at whatever complaint comes to it, and if it seems to be something that is more rationally dealt with by some other body, they will ask that it be transferred.

1030

Mr Curling: We didn't get that clarified. Where Mr Pond could help us—not right now—is to look back at some of those comments in some of the interviews that were done. People said: "I really don't know if my case is systemic discrimination. All I know is that they threw me out of my job because I am black, or because I'm short," or whatever. Do they go through the process of the Human Rights Commission and then have them say, after two or three years with all this backlog they have, "Oh, it's systemic discrimination, and that is handled through the Employment Equity Commission, because they handle systemic discrimination"? I ask, what about the three years they've been waiting for justice to be done?

Ms Carter: I don't think that would happen. I think they will screen people at the outset and say—

Mr Curling: They're backlogged now.

Ms Carter: Well, there are reforms under way. I believe this was mentioned in Rosemary Brown's speech—I would have to check that, but I think so—that this is one way by which they're reducing the backlog.

But I should also mention that Bill 79, the Employment Equity Act, deals with the relationship between the Ontario Human Rights Commission and employment equity. So that is set out in that act.

Mr Curling: But the problem we have with this is that the regulations would tell us step by step how it would be done. We don't really have the regulations to do that.

For us to make a statement that "once the Employment

Equity Commission is established, many human rights complaints currently filed with the Ontario Human Rights Commission will in future be submitted to the Employment Equity Commission"—say I'm on the Human Rights Commission and there is something sitting on my desk. I'm going to pass it over now to the Employment Equity Commission. Is that how it's going to work: just pass it over?

Ms Carter: As I say, this is written into Bill 79, so this is legislation.

Mr Curling: No, it's not written in there. We asked for the process, and they said it's in the regulation.

Mr Pond: As Ms Carter mentioned, what Bill 79 does is lay out that in the future, if you have a complaint of this nature, you don't appeal to the Human Rights Commission; you take it over to employment equity. That is the intent, that the flow will be diverted. Whether a witness specifically said that to us, I'd have to check the transcript. I know what you're saying.

Mr Curling: That's the point I'm making. When an individual is being subjected to discrimination, they don't see it as systemic. They just see that, "I've been discriminated against," and their own psyche tells them, or the process tells them, to go to the Human Rights Commission. It is for the bureaucracy to sort out their little stream of where it should go. I'm saying it was not plain in the bill that this one, with that kind of dressing, goes to the Employment Equity Commission. That's the confusion we had: whether it's a pay equity problem, a human rights problem or an employment equity problem.

Ms Carter: But hopefully, if the complainant makes a mistake, they will be very quickly redirected, because that is clear in the legislation.

Mr Pond: To be fair to Ms Brown, she did point out—and she wasn't the only witness—that under section 34(1)(a) of the Human Rights Code, the commission has the power to decide that a complaint filed with it should be dealt with more appropriately under another act and under another body's jurisdiction, and that it is exercising that power much more rigorously in the present than it did in the past, resulting in the diversion of more cases away from its own workload to other bodies, whether it's the Employment Equity Commission in the future or the Ombudsman's office or the Pay Equity Commission and so on. To be fair to Ms Brown, she did put that on the record, and when she appeared before the standing committee on the Ombudsman, she made that point.

Mr Curling: Well, I won't beat this any more, but I'm telling you that I'm not yet convinced that the process is laid out, that we feel these things will go straight to the Employment Equity Commission.

Ms Carter: Hopefully, it will be clear enough that the person will know that—

Mr Curling: No, because right now the Ontario Human Rights Commission has a systemic division, and I think it maybe handled only about three cases. If you tell me there's a big backlog at the Human Rights Commission and we'll be moving over to the Employment Equity Commission, then I want to know where all these cases are. What is she going to transfer over, all

these complaints, when the Human Rights Commission has only handled maybe three or four cases which are systemic discrimination and the Employment Equity Commission is set up for that? Are we just going to move them across?

I'm not going to beat it any more. I'm just saying I'm not comfortable with the fact that this just states that things that normally would go to the Human Rights Commission will now transfer over to the Employment Equity Commission.

Mr David Tilson (Dufferin-Peel): I think it's a legitimate question and I wouldn't let it rest. Obviously, if you're on the Human Rights Commission and here's a pile of applications or a pile of issues and you say, "This is for the Employment Equity Commission, so we'll just put them over here and they'll have their regulations perhaps a year from now," or whenever they're going to be together, meanwhile, these applications that have been waiting for gosh knows how long are then going to be put in this pile over here waiting for the Employment Equity Commission to get its act together.

As I understand what Mr Curling is saying, what's going to happen to all those applications that have already been waiting for gosh knows how long? I think it's a legitimate question and the government should legitimately respond to that.

Mr Pond: Without commenting on what you've said, as you know, the normal practice when new legislation is passed, in the regulations, which Mr Curling will point out haven't been released yet, the usual practice is for the regulations to state that such-and-such piece of new legislation will go into effect on such-and-such date and all cases filed before that date will continue to be addressed by the previous body and all complaints or applications filed after a certain date will be dealt with by the succeeding body. That's how rent control has worked in Ontario in the last three or four years, and I rather suspect that's probably what's going to happen under the regulations under Bill 79. It's the standard practice.

Mr Tilson: In other words, you're saying that the pile of applications that normally would go to the Employment Equity Commission is going to stay with the Human Rights Commission, which is bogged down? Is that what you're telling us?

Mr Pond: Yes.

Mr Curling: That's right, until they get their act together with the regulations.

Ms Harrington: Madam Chair, on a point of where we're at and where we're going: Is it correct to say, Mr Curling, that you are not happy with this sentence on the top of page 27? Are you trying to change that?

Mr Curling: Yes. I'm just talking about the writing of the report. I said we did not get an answer; I didn't hear that all of those things that are there will be then transferred to the Employment Equity Commission.

Ms Harrington: Let me just clarify. You are not happy with that sentence; you want it changed?

Mr Curling: Yes.

Mr Tilson: That sentence is slightly misleading.

Mr Curling: Yes. It's the conclusiveness.

Ms Harrington: Madam Chair, I guess I need some direction. If you could help Mr Curling.

The Chair: I think there are two things here. That paragraph at the bottom of page 26 that begins with "The committee expects" is making an assumption. As the Chair, I'm not going to say whether that's an assumption that you want to make or, if you want to make it, whether it's stated clearly enough. Then, when you actually go on to the recommendation, the recommendation itself is a bit contradictory. "The government of Ontario should implement the Employment Equity Act..." Obviously, if there's an act passed by the government, it's going to implement it, but we're saying "...as soon as possible." Can I ask, Ms Carter, has the Employment Equity Act been proclaimed yet? The last time I asked it hadn't been proclaimed.

Ms Carter: No, but I don't think the time line is going to be very long.

The Chair: Maybe the committee is interested in the fact that that act proceeded through the House with time allocation, a closure motion. It was rushed through the House prior to Christmas, and now we're into June and it still hasn't been proclaimed. If the committee is looking at the Employment Equity Commission as being a help to the problems that have accumulated at the Ontario Human Rights Commission, maybe what you want to be saying is something stronger than what is written here under recommendation 2. I think telling the government that it should implement the act and its regulations "as soon as possible" is kind of a wishy-washy statement.

1040

Ms Harrington: I thought we had approved recommendation number 2. When I came in I checked on that and I thought we had already dealt with that. Now Mr Curling is going back, not to that particular recommendation, but to the wording at the bottom of page 26 and top of page 27. I thought we were trying to change that sentence, and now you're looking at something broader.

The Chair: To clarify where we are, this is a draft report and you can all discuss it wherever you want, because it's going to come back again.

Mr Curling: I'm not going back, though, Madam Chair. This is recommendation 2, and "This should help to relieve the Ontario Human Rights Commission's workload" is a conclusion based on recommendation 2 that "The government of Ontario should implement the Employment Equity Act and its regulations as soon as possible."

How can you say that? You're saying that if it walks like a duck, it must be a duck. I'm saying that it's walking like a duck and it ain't a duck. It's saying that all these cases in the Human Rights Commission will be transferred to this great commission that will be established with a working situation called regulations. If it comes into place it will be great, but it is six months now, and whatever it is, the pilot's sitting there still, so we can't conclude that it will relieve it. When?

The Chair: Okay. Then put the wording you would

like it to say on the floor and let the committee decide if it agrees with you.

Mr Curling: I must put the wording about this?

The Chair: If you are concerned by the premise that starts in the sentence "The committee expects," if you don't think that is an expectation of the committee, say what it is you'd like it to say. You don't have to write it, just say verbally what you think you'd like it to say, and see if the committee agrees with you. Then Mr Pond can word it accordingly.

Mr Tilson: I arrived at the conclusion of this interesting debate, but are we satisfied from the hearings and from the debate that point 2 is even legitimate? Will the problems with respect to the Human Rights Commission be relieved by the Employment Equity Commission? Are we satisfied that the problems that exist with the Human Rights Commission will be alleviated somewhat by the Employment Equity Commission?

Ms Harrington: We can all speculate from our own political points of view as to what will happen. The question is, does this committee want to make the connection between these two agencies?

Ms Carter: Which I should have thought was a very logical thing to do. I think what Mr Tilson and Mr Curling are saying is very hypothetical. The whole thing is somewhat hypothetical.

Ms Harrington: Well, it is hypothetical, because it's the future. We don't have a crystal ball here.

Mr Tilson: Ah, yes, the future.

The Chair: As a matter of fact, I was sitting here thinking there's something wrong with the process. When a committee selects an agency to review, it's because it's important to the committee and the committee makes a decision to review a government agency. Most often those in-depth reviews, as we know, take place when the House is not in session because we do it in four or five meetings, sometimes two weeks, in terms of time.

This review took place in February, I think, and here we are finalizing the report in June. Some of the members of the committee who sat on the review during the recess when the questions were asked of the deputations, which included representation from OHRC, and the Employment Equity Commissioner was here too, are not here while we're now writing the report. Writing the report is the most important part of our work as a committee, and yet we're trying to write the report with not everyone here who was here for those interviews.

The point is that these things were discussed during the review. All the points that are being made by all of you were discussed during that review, and I think that when you're drafting the report, if there's some question about what was said, then we need Mr Pond to give you that reference in the Hansard from those hearings.

Mr Mike Cooper (Kitchener-Wilmot): During the public hearings, when we heard from the human rights commissioner and the Employment Equity Commissioner—and I also sit on the Ombudsman committee, which is also doing a review of the backlog in the Human Rights Commission—the expectation is that once we've got this commission set up, the potential to relieve

the backlog is there. One of the concerns that was raised during the questioning was that right now the way it stands is that people will go to the WCB for an appeal, the Human Rights Commission for an appeal, the Ombudsman for an appeal. What was raised was that quite possibly now they'll have four appeals in because they'll add another one on to this commission.

But the expectation is there that this will relieve some of the backlog, so the flow of this whole paragraph is right. Yes, if the regulations were complete and we had everything set up and the Employment Equity Act was proclaimed, I think it could be quite reasonable that we would expect that this would relieve the backlog. So I would say this whole paragraph flows quite properly.

Mr Tilson: I'm one of those who hasn't attended the hearings, Madam Chair, but I will say that we hopefully don't deal in these committees with looking into some sort of crystal ball. We rely on facts about whether a system is going to be improved.

I assume there are facts that have been put forward at the hearings indicating what percentage of applications before the Human Rights Commission have specifically dealt with problems on matters that normally would go under the jurisdiction of the Employment Equity Commission, and if those facts don't exist, I don't see how we can support people philosophizing and saying, "Oh, everything's going to be okay," because everything may not be okay. I love the expression Mr Curling used about ducks; that says it all. Just because you say it, it isn't going to be the case. Unless you have facts, then it shouldn't be in here. We shouldn't be philosophizing. We shouldn't be dreaming and saying, "I hope everything's going to be okay."

Ms Harrington: I think you're leading us in the right direction, Madam Chair. No, not leading—helping us out. Mr Pond is reflecting the discussion that did happen several months ago, and the wording here says "the committee expects." That's all we can do: expect.

There has been a fair amount of discussion on this, and I think at this point either we try to change the wording slightly, or it seems to me that this sentence does reflect, through Mr Pond, what the discussion was, so I'd be happy enough to leave it the way it is.

The Chair: Okay. I'm looking for a recommendation that we either change the wording or defer it. If there was some concern about the wording, I thought we should either get new wording, and that's what we will discuss now, or we can defer this until we ask Mr Pond to research the statements of fact that were made by the two people, the Ontario Human Rights Chief Commissioner, Rosemary Brown, and the Ontario Employment Equity Commissioner, Miss Westmoreland-Traoré. So what is the wish of the committee?

Ms Carter: I suggest we leave the wording as it is and that we conclude the matter today. I can't see what would be gained by researching into this. I just point out that the Employment Equity Commission and the Human Rights Commission are in fact going to be working quite closely together—

Mr Tilson: I hope not.

Ms Carter: —so I can see that this expectation is realistic, that they will cooperate in an effective manner in the allocation of who does what.

Mr Curling: I don't think my wording's going to be perfect, but I feel the committee could be comfortable with things like, "The committee expects that the Employment Equity Commission be established as soon as possible," or "the urgency that it be established is imperative," or something like that. But I don't want us to jump to the conclusion, because we don't know—we're making a conclusion that a regulation will work.

Ms Harrington: We're not concluding. The word is "expects."

Mr Curling: Of course you are. You said, "This should help to relieve the Ontario Human Rights Commission workload." That's a conclusion.

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Ms Harrington: It should if the expectation takes place.

Mr Curling: It's a conclusion. We don't know.

Ms Carter: The future's never certain, Alvin. There's nothing we can do to make the future certain.

Mr Curling: No, but we don't know, because we don't have the regulations. As a matter of fact, it would have been very helpful, writing the report right now, for you all, because it is June, and that is six months after the legislation has been passed. The regulations are still pretty late.

Ms Harrington: I don't want it to be six months since we started this investigation that we have our report come out.

Mr Curling: You won't have the regulations. You haven't had six months here yet.

The Chair: Do you want to delete the last sentence of that paragraph?

Ms Harrington: We could leave it out if you wish.

The Chair: That's what I'm saying. Do you want to delete, "This should help to relieve the Ontario Human Rights Commission workload"? Is that what you want to do?

Mr Curling: As a matter of fact, take it out. The employment equity presentation was not helpful at all—

The Chair: No, I'm just asking about the last sentence of the paragraph and I'm looking for agreement. Do you want to take out, "This should help to relieve the Ontario Human Rights Commission workload"?

Mr Tilson: Agreed.

The Chair: Okay. Is there agreement that that short sentence be deleted?

Mr Curling: I can live with that.

The Chair: If there isn't agreement, then we should have it in a motion.

Ms Harrington: No problem.

The Chair: Okay, there's an agreement; we'll delete that. Now, does recommendation 2 say what you want it to say, or is it a redundant recommendation?

Ms Carter: It think it's desirable.

The Chair: Okay. So there's an agreement with recommendation 2. We're doing this again, I realize, but is there approval of, "The government of Ontario should implement the Employment Equity Act and its regulations as soon as possible"? All in favour of that? Against, if any? We have three people voted on it out of seven here. Was there any dissenting opinion on number 2?

Mr Curling: I'm a dissenting opinion, because I'm telling you that, while I take that part off, I'm not very happy with what the flow was. You are the government: one, two three, four, five. You all vote for it; why don't you do that? Five of you there.

The Chair: All in favour of recommendation 2 as printed on page 27? Thank you. That's carried.

We can continue with recommendation 3.

Mr Pond: The preamble to recommendation 3 is on page 27 and the recommendation's on the top. As I mentioned earlier, in the response to the draft that the commission submitted to the committee, which you have a copy of, at the bottom of page 2 and the top of page 3 the commission lightly touches on this recommendation. As I quoted earlier, "The principle of diversity is also utilized in the appointment of commissioners."

Having said that, I should point out in all honesty that if you read the preamble to this at the bottom of page 27, this particular recommendation came out of the concern that the commission should reflect all of the interests that are affected by commission decisions. The member who put this forward was thinking specifically of employers. I think it's probably fair to say that the commission's response to the draft recommendations was more in terms of cultural diversity.

Mr Tilson: I'm interested in the statement, "If the public believes that the composition of the commission is weighted in favour of complainants or respondents, its credibility will suffer." You look at the principles of employment equity, and is this paragraph contradicting the principles of the bill? I think it is. I think that this statement in this report contradicts the principles of employment equity in Bill 79, or whatever the bill was. I think it is weighting it in a different direction.

I don't know if anybody heard over there, but that's my observation. If nobody cares, I guess that's the way life goes. But I have a lot of problems with the wording of this because I think it contradicts the bill. I don't know where the wording came from, but that isn't what Bill 79 says about how you hire people, the philosophy of employment equity. In fact, it may even be suggested as being discriminatory, one way or the other.

Ms Carter: I think I see what you're saying, Mr Tilson, but I think this is a very special body in this respect, the Human Rights Commission.

Mr Tilson: Nobody's special; we're all equal.

Ms Carter: You have to look at the requirements of the specific job. I think that was one of the conclusions that we came to in the hearings on employment equity. For most jobs, the job description is something that can normally be done, say, by a man or a woman or an indigenous person and so on, and I think there is a requirement in the actual job here that diversity be

recognized. That's my own reading of it.

Mr Tilson: I have no problem with that, but that isn't what this section says. That isn't what this report says. What you said hopefully reflects what the bill says, but that isn't what this says. This says—

Ms Carter: "That the appointees adequately reflect the diversity of Ontario society." To me, that is a legitimate requirement for this.

Mr Tilson: If you read what is here and what you just said, they don't say the same thing.

Ms Carter: No.

The Chair: In this case, this paragraph is referring only to the makeup of the commission, and it's suggesting that, as Mr Pond has written, for example, currently only one of the 10 commissioners represents employers, though employers are often the respondents named in complaints filed with the commission. So what this is saying is that there was a concern expressed that perhaps the commission, as currently appointed, does not represent a cross-section of the people who are involved in human rights complaints.

So the recommendation, then, says, "The government should review how it appoints members to the Ontario Human Rights Commission, in order to ensure that appointees adequately reflect the diversity of Ontario society." Maybe what you want that to say is more to reflect those people who need to work with the Ontario Human Rights Commission.

Mr Tilson: Madam Chair, I agree with what you're saying. I guess my question really is, with respect to the membership of the commission, should the philosophy as to how the commission is formed as to who sits on the commission be different than what Bill 79 is saying? I get the impression that it is not.

The Chair: But the thing is that in this report we are dealing only with the OHRC.

Mr Tilson: Employment equity applies everywhere in this province. It applies to commissions. It applies to the makeup, believe it or not, of the Human Rights Commission.

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The Chair: Yes, but in this particular paragraph maybe what you might want to say is, "in order to ensure that appointees adequately reflect the diversity of Ontario society"—I think maybe "society" is the wrong word—"and those people who, by necessity, come before the commission," which would then give you employers and employees. Bear in mind, of course, that not everyone who goes to the OHRC is an employer or an employee. It isn't always through employment practices that people grieve before the OHRC, is it?

Mr Curling: There are two points here. One is that we're leaping to another conclusion here.

One, the preamble talks about "...one of the 10 commissioners represents employers, though employers are often the respondents named in complaints filed with the commission." Then the recommendations talk about "the diversity of Ontario society." Therefore, are we talking about employer-employee or are we talking about the

cultural diversity, or whatever the diversity of our society means? I know labour unions see that the world is in two ways, labour and employee, and this is saying a diversity of the society.

The Chair: It doesn't fit with the paragraph.

Mr Curling: Yes. I agree that the representation of the employer-employee should be there somehow. How do we deal with that? Then, if you talk about "the commission must reflect the diversity," we can deal with that separately. That's how I see that too.

The Chair: Maybe that is the way to cover off both.

Ms Carter: I think there is a problem here, because it seems to be a non sequitur between the bit about the employers and the respondents and then the resolution, but I think you could argue that diversity would include the difference between people who are liable to be complainants and people who are liable to be respondents. Now, how you can include that when you make your appointments I'm not quite sure. If we can somehow build that in, I wouldn't see any objection.

Mr Curling: Well, easily, because when the trade unions group is sending representation, make sure you have a diversity—qualified diversity. You don't send someone just because they're an employee; you send someone who reflects the workplace, and don't put the onus here on the Ontario Human Rights Commission to say, "Well, I have to have an employee," because you know the record of the trade unions is terrible in its diversity. Then you are saying, "We want representation of employees." You do that, and when it arrives at the Ontario Human Rights Commission, it will be reflected accordingly.

I don't think the Human Rights Commission should be dealing with an employer-employee sitting there because I'm an employee. If you have done that by the selection responding to the diversity in the workforce, it will take care of it in the Ontario Human Rights Commission appointments.

Ms Harrington: I think it is clear from what Mr Pond has written on the bottom of page 27, if that reflects the hearings, that we were concerned with regard to the balance being more evenly weighted in favour of both complainants and respondents, and that concern is not reflected in the recommendation. I'm wondering if Mr Pond could suggest some way of having that reflected.

Ms Carter: "Diversity" could include that, but it's not specific.

The Chair: As I said a couple of minutes ago, the recommendation doesn't really match the paragraph.

Ms Harrington: Would you be willing at this time to give us some wording that you think might—

Mr Pond: Off the top of my head?

Ms Harrington: Yes.

Mr Pond: "In order to ensure that appointees adequately reflect the communities and interests directly affected by the commission's decisions," something along that line?

Ms Carter: In the hearings I believe we've had complaints both that there was bias towards complainers

and complaints that there was bias towards respondents. So that's something that has to be dealt with as far as perceptions go.

The Chair: How about "adequately request the representation which comes before the OHRC," or something like that?

Mr Tilson: The wording "diversity of Ontario society" suggests a whole slew of things. It suggests unions and it suggests employers and it suggests employees. It suggests, as I indicated at the outset, all of the business with respect to employment equity. Does employment equity apply? The whole way it's been phrased doesn't match what you're trying to do, with due respect, even the new words. Are you trying to finish this today?

Mr Cooper: What if we went to "balance" instead of "diversity"?

Ms Carter: Why not both? You might lose something if you cut out "diversity."

The Chair: I'm going to suggest that I think Mr Pond knows what your concerns are, that the recommendation doesn't address the concerns that are in the paragraph. I hear that you're all in agreement with the preceding paragraph, so why don't we leave it to Mr Pond to come back with a better wording of recommendation 3 to address what you're all saying? I think he hears that.

Mr Curling: There's only one problem with that. Mr Tilson speaks quite well for himself, but there is something I'm hearing here that is so important that I think Mr Pond should take into consideration: If we are considering employment equity, which means that we must try to get rid of the systemic discrimination in our society, removing barriers so that all people can participate in fair treatment—white, black, women, disabled—if he's saying that and if we're saying we're going to do this now, let's make sure that when we are changing the composition of the commission and making an appointment procedure, we exercise the same principles we talk about in employment equity, if I'm hearing him right, so we all can compete and not patronize: "We've got to get an employee here because he's an employee. We've got to get a black here because he's a black." We want to remove those barriers that are inconsistent with your employment equity. It can't be having the Employment Equity Act over here to deal with certain people; it is to deal with all people.

I'm just saying to Mr Pond to be sensitive that when we talk about appointments to the board, we're talking about removing those barriers so that all people can participate, and you will get the diversity of the community in there of who are qualified.

The Chair: I think that these members of this committee, from my observation, would be very much in favour of wording that addressed the equality of all people and didn't just deal with designated groups. Is that what you're saying?

Mr Curling: Yes, I'm just saying to be sensitive to that, where we say we've got to reflect the diversity, that we make sure that is a—

The Chair: So are you happy to have another look at

that new wording? In the meantime I would suggest that if you want to develop some wording you would like to forward through the clerk to Mr Pond, why don't you do that and then it would save time at the next meeting, because Mr Pond could have had your input to him in the interim.

Mr Pond: The point Mr Curling just raised was raised in the hearings. If you look at the first two paragraphs under the heading, "Membership of the Commission," in the middle of page 27, "Ms Brown was asked whether she was satisfied that the membership of the commission adequately reflected the diversity of Ontario society," and her answer: "She indicated that the commission needed more members who were bilingual, and that it was encouraging the first nations to suggest someone to sit on the commission." Underneath, I have in bold, "Does the committee wish to make a recommendation on this issue?"

Following what you've just said, you may want to suggest here another recommendation quite separate from this issue of employers and employees, because this issue did come up in the hearings, to be fair to the commission, and to you, since you probably want to raise it, if I remember correctly.

Mr Tilson: Surely the committee isn't suggesting that the size of the commission be increased. I can't believe they're doing that.

Ms Harrington: No, we aren't.

Mr Tilson: No, okay.

The Chair: May I suggest that if you do wish to develop some wording on your own, you get it to the clerk by Friday so that Mr Pond can have it and we can hopefully finalize this next week? If you could get it to Ms Mellor by this Friday, we can come with a satisfactory wording next Wednesday.

All right, so we'll move on to recommendation 4.

Mr Pond: This reflects the concern of some of the members during the hearings that the learning curve on the commission for new appointees basically eats into the time they have as commissioners, and therefore, as recommendation 4 has it here, that "The government consider reappointing commissioners for more than two terms when deemed appropriate," the idea being that you have a good commissioner who's gone through the learning curve, is then doing a good job and then all of a sudden his or her term comes to an end and all that knowledge and experience goes with him or her. That's the background to recommendation 4.

The Chair: Two terms being six years.

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Ms Carter: I have no problem with this. I understand that at present two terms is the norm for appointments to the OHRC.

The Chair: To all commissions, I think.

Ms Carter: But there have been circumstances where appointments have been extended beyond two terms. The point is that the value of appointing new commissioners is to make sure there are people on that commission who reflect the changing values and diversity of the province.

So you want a balance between people with experience and people who maybe bring in new elements that would otherwise not be represented.

I have no problems with the wording here.

Mr Curling: There's also another concern: that some commissioners are part-timers. If the commissioners were full-timers—is that so?

Mr Pond: Yes. That comes up, now that you mention it, sir, earlier in the paper. All we've dealt with so far are draft recommendations, which, as I said at the outset, the committee itself suggested we look at.

The earlier part of the paper summarizes all the recommendations that the committee considered relevant by the witnesses. There are a couple that address exactly this point: whether commissioners should be full-time or part-time, whether some of the commissioner's current statutory responsibilities should be devolved on legal counsel, that sort of thing. We'll get to those eventually, when we go back.

Mr Curling: The reason I raise that now, that the commissioners should be full-time, is it may have an impact on how we appoint.

Mr Pond: True enough.

Mr Curling: If we start saying we're going to re-appoint people on a two-term maximum time or as the case would be, or making sure they serve two terms in order to lend the experience that they've gathered over the first term, if they are full-timers, it makes a different strategy and will have a different impact; also, how we deal with cases afterwards, whether they go to the tribunal or not.

So before we make a decision on this recommendation, I think we should deal with the others, whether or not we should have commissioners full-time or have part-timers. When we speak about it, should that be the recommendation of the committee?

The Chair: You have to consider what is the role of a human rights commissioner, not that they're going to take over the workload of staff.

Mr Curling: But they do have a workload, because as a matter of fact more people will be appealing these things, and how much can they deal with if they're only part-time? You see the backlog, you see what is happening. Many of these cases maybe could have been dealt with if it went to the tribunals.

The Chair: But what becomes an extension of that, and maybe, Ms Carter, you know this: I would think that when an appeal is heard, it's never going to be heard by the full commission members. Probably it's heard by a panel of three or five. And what becomes interesting, then, is when it is heard by a smaller panel of the membership of the whole commission, there comes up the question of what the balance is on that individual panel, when you've just been talking about balance of representation on the commission as a whole.

Ms Carter: But we're not recommending, as I understand, that commissioners do be full-time, so I'm not sure that's an element we have to consider here.

Mr Curling: You remind me that some people don't

have a full-time job but they have about three part-time jobs, and whether or not they could be more effective if they had a full-time job. All I'm getting at is that maybe if you had full-time commissioners—has anyone studied that to see whether or not it could have a better impact on how we move some of that backlog, deal with those cases, more than decide to extend their time for a longer time, part-time?

I think we must deal with both cases. Deal with one, whether we want them full-time or part-time. And once we make the decision it is part-time, then I don't think we are dealing with the other cases at all. We just have to throw the full-time thing out.

Mr Robert Frankford (Scarborough East): Presumably we have to make a choice. It would have to be either all full-time or all part-time; you couldn't have a mixture of the two, could you?

The Chair: Well, you do essentially have a mixture because the Chief Commissioner is full-time.

Mr Frankford: Yes, I understand that.

The Chair: If you look at other boards and commissions, sometimes you do have a mixture: A chief would be full-time, and vice-chairs sometimes are full-time. So it's up to you to say what you are recommending.

Mr Frankford: I understand that having a full-time chair or maybe vice-chair has a great precedent.

Mr Tilson: Is it being suggested that part-time commissioners are not effective? In other words, if someone is appointed a part-time commissioner—and I gather two terms equal six years. Did someone say that?

The Chair: Yes.

Mr Tilson: Is it being suggested that if someone is appointed for, say, one year or two years, they're not really effective and that you don't become effective until three years or something? Because if that's the case, if we have ineffective commissioners—and I'm not suggesting necessarily full-time; I don't know enough about the subject, quite frankly, but if we're suggesting that the effectiveness of commissioners is not appropriate until they have been on the commission for some period of time, then that has deep ramifications as to the effectiveness of the whole system. If we have ineffective commissioners, maybe that's one of the reasons why this whole thing gets bogged down after a while.

I don't know that, but point number 4 has been put in for some reason. I can only assume that, indirectly, there's a period of time that part-time commissioners are not effective because they don't have the experience or the qualifications. If that's the case, then this is a serious subject and it needs to be reviewed more extensively somewhere, either by this committee or in some other forum.

The Chair: It's very serious if it's your particular case that's heard by someone who's newly appointed, so maybe it goes back to add emphasis to what your concerns have been about who is appointed to such an important commission.

Mr Curling: I don't think that the qualifications of the commissioners are in question here. I think they do a good job. What I'm saying is that we know about the

backlog within the Human Rights Commission, meaning that there's a lot of work there. If someone is doing it part-time, those who go to the hearings that commissioners have to deal with and they are part-time, they have far less time with which to deal with it. I'm saying that we could have less people full-time, more on a full-time basis as commissioners than have part-timers who can't dedicate a full-time effort to that job. It's not about their competence at all. Therefore, we are being plagued with this backlog, meaning that dealing with cases, there are cases that wait 21 months after, just waiting for commissioners to hear it.

The Chair: If it isn't about their competence, then you don't want this sentence talking about experience necessary to make effective decisions, which is the point Mr Tilson is making.

Mr Tilson: That is exactly it. It doesn't matter what we think. This statement appears to be testimony that came to this committee that says that part-time commissioners' ability, once appointed, to gain the necessary experience to make effective decisions about the files placed before them by commission staff—that suggests to me that part-time commissioners, at least at the initial stages, are not able to perform their duties. Otherwise, why would you want to extend the terms? Either they're competent—and I'm saying this with the deepest respect; I'm just taking this sentence at its face value. It suggests to me that rookie commissioners, if I can use that word, may not be able to perform their duties or make decisions the way they should. If that's the case, that may be part of the jigsaw puzzle that's creating the myriad of problems this commission is having. If you don't have competent commissioners, the thing's going to get bogged down for various reasons.

The Chair: Maybe the committee should be reminded about who Mr Juriansz is.

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Mr Pond: I know a couple of the government members want to speak to this, but Mr Juriansz is the one who made this observation. He's a highly experienced employment lawyer, a former lawyer who worked for the federal Human Rights Commission, and this is his observation of the Ontario Human Rights Commission that you're seeing here. It was his view that commissioners were heavily influenced by what staff put before them, and I'm putting it that way—

Mr Tilson: That could be said about politicians. I understand that and that's the story of the system. I guess we're talking about independence—I seem to recall that word was mentioned somewhere here. Maybe it's down below, maybe it's a further—

The Chair: Yes.

Mr Tilson: It does boil down to the issue of competence, and it rather alarms me, quite frankly, as someone who's literally walked into this committee session, because I think it's common knowledge that we all are afraid of the inability of this commission to operate effectively.

If this is one of the reasons, that the commissioners may not be qualified, perhaps for lack of experience,

perhaps for lack of training. Maybe Mr Curling's right. I'm not prepared to agree with him yet because I don't know enough about the ramifications. He's suggesting full-time commissioners. I don't know what that means, but when we recommend to the Legislature that the government consider appointing commissioners for more than two terms when deemed appropriate, it suggests to me that the early stages of part-time commissioners are causing problems; that they are not as effective as they should be; in other words, that we don't have a system that is being as effective as it should. It has nothing to do with terms of office, Madam Chair; it has to do with the effectiveness of the running of the commission, and this may be a key issue that this committee has overlooked.

The Chair: Before we do that, I understand that we have an interest from outside of the committee members for a copy of this draft report, and I just want to reconfirm for committee members that the process is that, at the moment, it is only a draft report. It is the property of the committee and it is not for public distribution at this point because, before it's finalized, if it does become public, then it may become a question of privilege in the House. It is only the property of the committee for their discussion and their review, and it would be totally out of context if somebody outside of the committee members took the report and referred to it, because it is a draft only. I just wanted to confirm that.

Mr Frankford: A full-time commissioner is obviously paid a salary; that's their occupation. A part-time commissioner would be paid a per diem?

The Chair: They are; we'll tell you what it is in a second.

Mr Frankford: No, I'm not asking the amount. So in theory, a part-timer could be working five days a week, paid per diem. It's a matter of allocation whether they come in once a month or every day.

Mr Pond: Yes.

Mr Frankford: This conversation about the length of terms and part-time and whatever reminds me of the Ontario Municipal Board—

Mr Pond: Yes, I was just going to raise that, sir; good point.

Mr Frankford: —which in the past has had people appointed for life and more recently has had people, I believe, appointed for five-year terms. In the discussions I recall about that, there is a judgement call: Does one want to have people who gain the expertise by being there for life, or is that a bad policy and should one ensure that people—

The Chair: There were never life appointments to government agencies, boards and commissions—like the Senate, for example. It was quite a long time ago that a maximum of two terms, as far as concurrent appointments to government ABCs, was implemented; I think at least 10 years ago there was a cap put on.

Mr Pond: Dr Frankford was here in 1991 when this committee did the OMB, and that's what he's referring to. What happened was, as the Chair just alluded to, it was actually Mr Peterson in 1988 who established this rule that henceforward all appointees to ABCs would

serve for fixed terms, regardless of what the particular statute said.

Now, the OMB at that time was exempted, and by the time we rolled around to this committee's review of the OMB in 1991, the government had decided to introduce this rule at the OMB. The OMB members who appeared before this committee, including the chair and some of the senior members of the OMB, were very upset by this. They did not like this idea at all, and one of the arguments they used against it to this committee, as Dr Frankford has just suggested, is that the learning curve for full-time—and they are full-time—OMB members, as far as the OMB was concerned, was at least 18 months. Therefore, to cut people off at six years, so argued the OMB, was a mistake, because you would be losing that experience so recently gained. Therefore, OMB appointees should continue to be at pleasure. That's that lovely phrase, "at the pleasure of the Lieutenant Governor," which in effect actually means for life.

So you see this argument in other agencies, was the point Dr Frankford was making, I think, to put words in his mouth. It's not just this business of part-time members at the Human Rights Commission; this is a general argument you'll hear with regard to a lot of commissions: that there is a learning curve when you get on the job—it doesn't matter what the agency is—and therefore that should be taken into consideration when you're setting the termination date.

Mr Frankford: And if I could just add, if I'm not mistaken, the OMB, because of its workload, has actually brought back former commissioners to work on a part-time basis.

Mr Pond: Yes, that has happened.

The Chair: We have Ms Carter, Mr Tilson, Mr Cooper, Mr Curling. We obviously are into a very important discussion.

Ms Carter: I think what we're recommending will give a possibility for some commissioners to stay on for longer, and I think the point is being made that that is not necessarily because they have greater expertise but because we need to have continuity of process.

But I think what we're forgetting in this discussion is the point that, after all, there's this full-time staff, which does the day-to-day work of the commission, takes in cases, does the investigation, and the commissioners just do the actual hearing. The facts of the case are presented to them—that work has already been done—and they're the people who make decisions.

I know Mr Juriansz did suggest that we have full-time commissioners, but as I remember, that was not a question that was widely raised and I didn't get the feeling that there was a large opinion behind the idea that we should do that, and I suggest that that's not really something that's under discussion at this point.

The Chair: Just to clarify the last statement you made, I think when you review an agency, anything and everything is up for discussion. So there's no limit on what you may discuss, nor is there any limit on what you may recommend.

Mr Tilson: Dr Frankford and Mr Curling have both

made interesting statements, the issue of should someone be appointed for life; should we have full-time commissioners. I honestly don't know that. All I know is that we're dealing with the topic of extending part-time commissioners for more than two terms.

If we're not satisfied, if this committee feels there's a problem with part-time commissioners, we should say so; in other words, if the system is inadequate as it now stands.

I simply read the paragraph that precedes the recommendation, which is why I started this comment. It suggests to me that someone is making a comment that the effectiveness of part-time commissioners, in the early stages at least, is not adequate. If that's the case, then how are we going to improve that, because you will always have part-time commissioners, if that is the position this committee is adopting, that inexperienced commissioners cannot make proper decisions. That's always the case, whether it's judicial or whether—you're always going to have rookie judges, rookie administrative tribunals, OMB. That always applies. But in this case we're talking about part-time people.

I'm just terribly alarmed, because I'm looking at the overall system, that there's something wrong with the system. If it's being suggested that one of the issues is the problem of commissioners, whether it's the training or the experience or whatever, then let's say it. If the answer to that is no, then I don't think recommendation 4 is really relevant. I don't think it should be made at all.

1130

The Chair: Or maybe you want to make another; maybe the committee might want to make another one.

Mr Cooper: I think Mr Tilson's going off on the wrong premise. I think that when we're talking effective here, we're not talking about them making wrong decisions or something that's not quite adequate. It is the same as when we take over the chair in a committee. If you have to constantly refer to the clerk or legal counsel or legislative counsel, refer to somebody else for advice, it's a time delay and you're not being quite as effective as possible.

It's kind of like what we did with the boards of education with the election of trustees. They used to be on a two-year term. What they would do is spend the first year learning the job and the second year getting re-elected.

Mr Tilson: Sometimes it's healthy to throw the whole bunch out.

Mr Cooper: I don't disagree with that, but the point is, to be effective is when you actually have the expertise, when you've been in the position and you've learned the job and you can make the decisions without doing all the referrals. It's not a case of making bad decisions; it's being able to make them on your own, without having to refer to maybe another commissioner for guidance or things like that.

I think this is what we're talking about: effective. I don't think we're talking about making bad decisions. What we're saying here is that once you've got that expertise, maybe we should keep them on longer if there

aren't other people coming up. That's why the appointments are staggered, so you don't have the whole commission brand-new; you have some expertise you can refer to.

Mr Tilson: I'm aware of that. Again, I quite frankly find something offensive about the lifetime. We all think of the Senate and groan. Are we creating something else, a lifetime commissioner?

Mr Cooper: It says where "appropriate" here.

Mr Tilson: I know, wonderful words. I've said my point. My question is, is point 4 really appropriate? If we have a group of people who are staggered, as you say, it may well be that some are inexperienced. It's like any other tribunal: Some people are experienced. Some chairs are experienced, some chairs are not experienced, and gradually, through time, it works its way out. Lifetime appointments sometimes can be difficult.

The Chair: I think what is being said here is that Mr Juriansz made an identification, as Mr Pond has said, based on his experience, which is far more extensive than any member of the committee, because that's what he does all the time. It was an observation that he made. Without having the Hansard in front of me, I can't say that he actually, as Mr Pond has used the words, was making it as a recommendation, but he certainly has made it as a serious point for this committee to consider.

If you feel more comfortable considering full-time commissioners, if you're looking at backlog and you're looking at equity of who the commissioners are who hear these important cases, then that may possibly be the route you may want to go, rather than talking about serving more than six years without being—some people do go off for three years and then come back.

Mr Tilson: Or the committee may thank him for his observation but it may not be serious enough to make a recommendation. That's another alternative.

The Chair: Yes, you do have that option.

Mr Tilson: What I hear today doesn't tell me that it may not be such a bad idea. Dr Frankford and Mr Curling have made some excellent observations, but it may well be that it's inappropriate to have lifetime appointments. It may be inappropriate at this time because of restraint to have full-time appointments. There may be room for debate there; I don't know that. It may well be that he has simply observed some inexperienced commissioners. Life is full of inexperienced people, but that doesn't necessarily mean they should be appointed beyond six years.

Mr Curling: What I have observed is a process that definitely is not working. There are all kinds of recommendations. Dr Ubale made different recommendations, saying that maybe we should have regional commissioners to deal with all this, meaning full-time regional commissioners, that maybe it would relieve the burden on that central place of the commissioner so that they could get on to doing other work. That is also a rather interesting perspective. What we're trying to do with you, Madam Chair, is wrestle—we all are wrestling—with, should this recommendation be recommended or not? We can't say approved or not.

The problem is that whether or not we accept one of the premises of how we're going to go, we can have extended part-time people, or the Cornish report recommends other things, and whether or not the minister is seriously reviewing and taking into consideration some of those recommendations, if she does, having people of other interest groups look at some of those complaints it shows the process in a different way.

On the Dr Ubale situation, if we say, "Maybe if it's regional it's better," maybe someone up in the north who has a human rights complaint is sensitive and is nearer to the issue dealt with than the central body can deal with it. It's hard to wrestle with whether or not we should recommend extended part-time, life or full-timers. I would move to the full-time situation, although it was nearer for us for once to concentrate on a day-to-day basis.

Dr Frankford said that of course we have part-timers who dedicate full-time to this, but the mentality there as part-timers is that it is a part-time job anyhow, so sometimes people take a part-time approach to human rights issues. I don't sit well with that kind of situation.

The Chair: What does the Cornish report say on this particular item? Now that we as a committee have asked the government to respond to the Cornish report, we would do well to make sure that we know what the Cornish report is recommending.

Mr Curling: My reflection of the Cornish report is that—again it causes a debate and I don't fully agree with the Cornish report—maybe different associations could be established. In other words, if we have any interest groups that deal with human rights, then they could deal with their community, sort out all their human rights cases, maybe dismiss or advance them, and then send those cases that are sieved out, I would say, up to the Human Rights Commission. That's a very rough gist of some of the recommendations. I don't know, David, if I'm reflecting it right.

I have some concern about that—some parts of it are attractive—because I am concerned that if we give it to an association that has no proper training, what is the training manual going to have for some people to sort out human rights issues? That's another whole bag. It was really important that the minister respond to those recommendations, whether she would use those or not, but nothing was done with the Cornish report.

The Chair: The Cornish report doesn't deal with tenure. It says simply that appointments to these new bodies would be recommended to the Premier by a new equality rights appointments committee composed of three persons highly respected for their commitment to human rights.

Ms Harrington: It doesn't deal with the question we have before us.

Mr Pond: To be fair, as Mr Curling has just said, because her perspective is a total revamping, it would be very dangerous to sort of pick out this little issue and say, "Cornish says this about that," as Mr Curling has just suggested. Her vision is so different from the existing commission that I'd want to go back and check the actual

text before I started pulling things out of it for you on that narrow issue.

Just to muddy the waters even further, the other point Mr Juriansz made about the composition of the commission, which is on page 25 here, the first bullet point, is that he suggested it was no longer appropriate for human rights decisions to be made by part-time commissioners. He questioned whether commissioners were necessary at all. The position of full-time Chief Commissioner should be retained, with the power to delegate responsibilities to the full-time professional staff. In particular, the power to decide which cases should be referred to boards of inquiry should be made by the commission's lawyers.

In the commission's response to that recommendation prepared for this committee, the commission rejected that recommendation of Mr Juriansz.

What Dr Ubale was recommending, as Mr Curling has outlined, was essentially the British system, whereby you have what they call employment appeal tribunals around the country which hear all employment-related complaints under statutory law in Britain: yet again another model.

1140

Ms Harrington: To come back to recommendation 4, the sentence above says "...they are limited from putting that knowledge to good effect by the two-term limit for appointees," and so the recommendation follows directly from that sentence without dealing with all the other issues we've just discussed.

Mr Pond: True.

Ms Harrington: What we have been discussing over the last 15 minutes is whether or not we should direct the government to consider utilizing more fully the acquired experience and expertise of commissioners by whatever means. What I think this committee is saying is that we look at it in a more general way than just the option of "more than two terms." I guess I'm asking you, Mr Pond, if the only concern with Mr Juriansz was the two-term limit or if it was more broad.

Mr Pond: That's a good point. The reason it's structured this way is that in this section of the draft, where we have these draft recommendations in bold, these simply reflect specific recommendations that members brought up at previous discussions and wanted to discuss formally.

Earlier in the report, as I was instructed to do in February, what I have done is summarize at length the other recommendations made by witnesses which this committee, at its previous brainstorming sessions, never got around to specifically discussing. So yes, elsewhere in this draft you will see other discussions about this issue, but as I say, it's sort of a bifurcated approach in this report because what you're looking at here are only the narrow issues which members of this committee have brought up at previous meetings. We should look at the broader picture now.

Ms Harrington: I would put forward then to this committee that we would like to have wording which is more general to recommend that the government consider options or ways of utilizing more fully the acquired experience and expertise of commissioners.

Mr Pond: I can certainly draft something to that effect.

Mr Tilson: My question is, to anyone, when does someone become experienced? One year, two years, five years? Six years is a long time.

Mr Curling: Slow learners.

Mr Tilson: I'm still not convinced that we should even be making this recommendation, quite frankly. There's no question that it's like any other job, I suppose, in that it takes a period of time to gain experience to be able to make competent decisions, but it gets to my original comment, suggesting that in those early stages, and I would suggest perhaps the first year, the first six months, one may need a little bit more experience to make proper decisions or to make the system run a little smoother. Six years is a long time and this wording is suggesting something that's well beyond the six years. I raise the question whether we should even be making this recommendation at all. Mr Juriansz's name is throughout this report. Just because he says so doesn't mean it's it, with due respect to him.

Mr Curling: To proceed with Mr Tilson's point, I would agree in a way. Just in considering whether or not we will extend part-timers or whether we consider my recommendation talking about making it full-time, there are so many areas in which we can go. We don't know where the minister is going with the Human Rights Commission because she has not responded to quite a few of the reports. It would be premature, of course, to start saying if we can recommend that they extend part-timers.

Mr Cooper: Excuse my ignorance, but is there anything prohibiting them right now from extending it past six years?

Mr Pond: No.

Mr Cooper: There's nothing?

Mr Pond: No.

Mr Cooper: Why don't we just drop the recommendation and leave the other part as an observation?

Mr Pond: My understanding, from what Mrs Harrington suggested, is that we would be dropping this recommendation. Was that not the intent of what you just recommended, that we drop recommendation 4 and simply replace it—

Mr Cooper: Just drop the whole section.

Mr Pond: I think Ms Harrington's suggestion was that we drop recommendation 4 as worded and replace it with something along the lines of "the government consider various options for better utilizing a commissioner's experience." That would eliminate the existing wording in recommendation 4.

Mr Tilson: I think recommendation 4 is redundant.

Mr Cooper: I think so too.

Ms Harrington: If they can appoint past six years, then to me, it is.

The Chair: Right. Do you want to leave the preamble in, because it was a point that was made to the committee—

Ms Harrington: Okay.

Mr Cooper: Just as an observation.

The Chair: —and not make a recommendation? Is that your wish?

Ms Harrington: If I can be assured by Mr Pond that they can in fact be appointed past six years.

Mr Pond: Legally, yes. It's not the practice any more.

Ms Harrington: Okay, and perhaps we can put in that sentence about looking at ways of utilizing more fully their expertise and experience.

The Chair: Margaret, you're saying to put that as an added sentence on that paragraph?

Ms Harrington: Yes.

Mr Curling: What is that you're adding to the sentence?

Ms Harrington: It now says, "Once they have acquired experience and expertise, they are limited from putting that knowledge to good effect by the two-term limit for appointees."

The Chair: Yes, and now you want to add—

Ms Harrington: "That the government consider options for utilizing more fully the acquired experience and expertise of commissioners."

The Chair: Which wording, I would suggest, leaves open even full-time commissioners.

Ms Harrington: Yes.

Mr Pond: Just to interrupt, Madam Chair, what we could do in that section is take all the comments in this draft about this issue—I quoted you the major one on page 25—wrap it into this preamble, make the point that legally the government can appoint people for longer than six years anyway and then finish with Miss Harrington's recommended sentence. That would basically deal with the whole issue, if you like.

The Chair: So what you're going to do is put it all together on the same page. You'll put it back following page 25?

Mr Pond: Where things appear is another issue, but in terms of the wording, that was where we deal with this whole issue of the status of commissioners.

The Chair: But it won't be at the end, because it's now no longer a recommendation.

Mr Pond: Actually, you can put it at the end anyway. We've done that before with other reports.

The Chair: But isn't the end presently all recommendations?

Mr Pond: Yes, it is.

The Chair: I think it should go earlier in the report as an observation, because it's no longer a recommendation. Is that okay?

Ms Harrington: Yes. Mr Pond, may I question then where you say they are "limited...by the two-term limit for appointees." Should that be changed?

Mr Pond: Yes, and one way to do that is to make it very specific that that's Mr Juriansz's point of view and not the committee's. I'll check the Hansard on that just to be fair to Mr Juriansz.

The Chair: That's great. All right, we're down to the last recommendation.

Mr Pond: This is Mr Curling's idea. This came up over and over and over again in the hearings, namely, that the government should amend the Human Rights Code to provide that the commission report directly to the Legislature, and not through the minister to the Legislature.

Mr Curling: I see that as a conflict for the minister, anyhow, dealing with human rights cases. If I have a case against the Minister of Citizenship, I would feel completely intimidated that I'm going to be bringing a case before the minister. There are many cases, as a matter of fact, right now where people have come to me and have concerns about the Ministry of Citizenship and how things are being operated.

What I'm getting from them is a sense of fear that justice will not be done. I feel that justice must be seen to be done, that the Human Rights Commission should report straight to the Legislature or to a committee and get rid of the kind of situation we have with the Ombudsman, to make it rather clear how they report. That is basically my motivation in having the Human Rights Commission report to the Legislature more than having the Human Rights Commission report to the minister.

A good example of that: We saw the circus when we wanted the Employment Equity Commissioner to come before us. I'm sure the commissioner wanted to, but somehow it seems to me that there's some direction that they've got to go through the minister before they can account to the Legislature, to the legislative committee.

1150

I feel it would be much more responsible and the people would have more confidence in the system if, when they put their case, regardless of whom they have their case against, they feel they could heard properly.

The Chair: It's truly at arm's length is what you're suggesting.

Mr Curling: At arm's length.

The Chair: Then it would be the same as the Ombudsman.

Mr Curling: Exactly.

The Chair: What's the discussion on that? Can I just ask one technical thing? Would it be the code that would be amended, not the act?

Mr Pond: That is the act, essentially.

The Chair: What is it that states—

Mr Pond: The Human Rights Code. That's it. That creates the commission.

The Chair: I see, okay.

Mr Cooper: I would tend to disagree on this. I think we're looking at an independent body. Whether they refer to a ministry or to the Legislature, the government still has the majority in the Legislature. To be reporting, with it being independent the way it is and the accountability that is set up, I don't think this is going to make any difference.

If you look at the Ombudsman, who reports to the Ombudsman committee, it's still the government that has

the majority. Everything is fairly public now, so I don't see that this is going to make any difference at all with an independent body, that they're going to be intimidated by having to report to the ministry first, before the Legislature.

Mr Curling: Mr Cooper, I have respect for you and all that. Just examine it again. You're saying justice will be done, because if we are the government, we're going to lean on the side—

Mr Cooper: No, whoever the government is, the government of the day.

Mr Curling: Exactly. If they are reporting to the Legislature, they are more accountable to come before us. We can call them before the legislative committee at any time we want and the report comes through here.

The Chair: Can I just read to you from the Ontario Human Rights Code?

Mr Curling: Yes.

The Chair: It says, under part III, subsection 27(2), "The commission is responsible to the minister for the administration of this act." Whether you think that makes it arm's length is up to you, but it certainly tells you in the act that it's the minister who's responsible for the administration of the act. I guess it depends how the minister chooses to administer the act.

Mr Curling: You try to write the minister and ask her about a case and then she tells you how at arm's length she is. All of a sudden they're responsible and they are at arm's length. You write the human rights commissioner and she's at arm's length. Nobody can reach all this process because everybody's at arm's length.

As a matter of fact, in some countries, what they do with the Ombudsman is that the Ombudsman is a parliamentarian. Because these are the people they see out there, they're going to advance their cause and get things done. But we are just puppets, jogging the strings. We can't move because so many laws have isolated us from getting the job done and making justice be done.

I'm saying to you, take a very serious look at how accountable the Human Rights Commission could be. I think they're more accountable to a Legislature than to a minister.

The Chair: I'll just read you another point.

Mr Curling: You're turning into a lawyer now.

The Chair: No, I think what I'm reading is supporting some of the concern that is being expressed at this committee dealing with the annual report under subsection 31(1) of the Human Rights Code: "The commission shall make a report to the minister not later than the 30th day of June in each year upon the affairs of the commission during the year ending on the 31st day of March of that year."

It's a very direct reporting of everything to the minister, and then the administration of the act by the minister. It is obvious that the minister is directly responsible for this act, and it's written in the statute. It must be very difficult then for the minister to turn around and say it is at arm's length.

Mr Cooper: I think, by extension, what Mr Curling

would be saying then is that the police force should be directly responsible to the Legislature and not to the Solicitor General, that the courts should be directly responsible to the Legislature and not the Attorney General.

Mr Curling: Bad analogy, because the police have laws.

Mr Cooper: It's the same thing. Somebody has to administer.

Mr Curling: No, the policeman has laws to follow. They know how to prosecute, how to arrest and all that. Here it's almost judgmental itself.

Mr Cooper: Such as the courts?

Mr Curling: Again, though, we have the police complaints commission. We have all those things where we are saying they must report directly so we can investigate police. Everything is reported to the minister directly. They're not reporting from arm's length. She's directly involved in the administration day to day of the Ontario Human Rights Commission. Is that right?

Mr Cooper: No, not day to day.

The Chair: There is a difference with the Ombudsman, and I think that's where you see an exception, a difference.

Ms Harrington: I just thought of the Pay Equity Commission. It reports to the Minister of Labour; that same kind of relationship that Mr Cooper brought up in other examples. It seems to me that we are going to disagree on this and that we would end up having a vote on this.

The Chair: The thing is that we don't have a full committee of members here to vote on this, and this is an important recommendation that needs to be voted on.

Mr Cooper: The members who are here are the committee.

The Chair: Do you wish to vote on it with the members who are present? What is the direction from the committee?

Ms Harrington: I think we've been working all morning with this group.

The Chair: Yes, so I'm going to ask, if there isn't any more discussion on recommendation 5, it needs to be voted on.

Mr Curling: That's right.

The Chair: Recommendation 5 reads, "The government should amend the Ontario Human Rights Code to provide that the Ontario Human Rights Commission should report directly to the Legislature, and not to the Ministry of Citizenship."

All in favour of that recommendation? Opposed? That recommendation is lost.

Will it be the wish of the committee that the preamble to that recommendation stay in the report or not? I suppose it's redundant to have the preamble in the report if it isn't followed by the recommendation. Would you agree, Mr Tilson? Okay, so we'll just eliminate it.

That completes the review of this draft report except for—Mr Pond.

Mr Pond: The thing to point out here is that all we've dealt with this morning, as I mentioned earlier, are draft recommendations brought up by members at previous meetings of this committee dealing with this report. What you haven't dealt with—and you don't have to if you don't want to, obviously; it goes without saying—are all the other recommendations made by witnesses which this committee at none of its previous meetings formally addressed.

If you recall, in February you directed me, when I prepared the first draft, to summarize the relevant recommendations made by the witnesses, which you might want to consider down the road. They start on page 17 and go on to page 25. I guess the question is, since what you have here on these eight pages is a summary of the testimony of witnesses with, do you want to look at these? Do you want to consider these recommendations? Do you want to junk them entirely? Whatever. Do you want to do that or do you want to simply leave all that out? It's up to you.

Mr Cooper: I think in fairness that we should discuss that at our next meeting, being that it's 12 o'clock now.

Mr Tilson: My observation, for someone who obviously hasn't spent a great deal of time on this, is that there is a problem with the effectiveness of the Human Rights Commission. With due respect to the committee, the major concern is the backlog; it's just grinding to a stop. There are some interesting observations throughout the report, particularly from Mr Juriansz, I think, as to why that's happened, due to expansion of jurisdiction or the commission seems to be going wider and wider, taking more and more on.

My question is, do the recommendations that are being made by this committee deal with solutions, making recommendations, as to how the operation of the Human Rights Commission can be improved? Quite frankly, I'm not so sure this committee has investigated that sufficiently. I think there's more work that needs to be done. The topics that were raised this morning were very interesting but it doesn't really get to the crunch as to why the system's grinding to a stop.

The Chair: That's why what we have completed this morning are only those three recommendations. The point that you make, Mr Tilson, is a valid point and it's following on what Mr Pond is saying. On all these other areas that were identified in the previous pages where he is saying does the committee wish to endorse this recommendation or make a recommendation, the point is that this is the work of the committee and that has yet to be done. Mr Pond can't assume what recommendations the committee wants to make as a result of the testimony. Certainly, the testimony before this committee did heavily address the issue of backlog. I think it was the main issue of concern.

Mr Frankford: I agree that the recommendations we've discussed have been quite broad, while the specific questions that were raised earlier on in the text are more concerned with the direct management of case loads. I

think we have no alternative but to return to it and to go through what's written there.

The Chair: I think what we need to do is have each of the caucuses review this draft report so that when we come back next week to finalize it, there is a strong position from each caucus about how you want the report to read.

Ms Harrington: I think the instructions we got from Mr Pond and now yourself are for each of us to go back to pages 17 to 25 and come up with recommendations from that.

The Chair: Thank you.

Ms Harrington: Just to clarify.

The Chair: Yes, I appreciate that.

Mr Cooper: Being a member of the Ombudsman committee, we're reviewing exactly this thing about the issue of the backlog in the Human Rights Commission. Was there correspondence sent from that committee to this committee? I thought something came up in the other committee.

The Chair: The members of this committee all received copies of the material that went to the Ombudsman's committee, so these committee members have the benefit of the same material that you were reviewing.

Mr Tilson: Mr Juriansz has made some alarming statements. He says on page 14 that the commission has been jurisdiction hungry. He felt that the commission was constantly striving to enlarge its own jurisdiction, thereby making a backlog of cases inevitable, and then he gives a number of cases. I don't think this committee has dealt with that topic of the jurisdiction of the commission, whether or not the jurisdiction of the commission is too broad, whether it's capable, if it assumes a certain jurisdiction with the personnel that it has, of dealing with that jurisdiction, or should the jurisdiction be narrowed? I don't see that being dealt with anywhere. That, to me, is the crunch of this whole issue: either (a) there's not enough personnel to handle these cases or (b) the jurisdiction is too broad.

The Chair: Mr Tilson, you're absolutely right, that hasn't been dealt with. This is the first day that we have dealt with our draft report and there are not recommendations that are dealing with that. We wish you were on the committee all the time.

We're just starting the work of dealing with a draft report, and having just commenced the work of the draft report, we have made some headway this morning, for which I thank the members. We look forward to the continuation of this report next week.

The business of the committee next week: We will begin with a review of appointments and then we will continue with this report. We are not having a subcommittee meeting today, so I thank you all for your attendance this morning and the work that has been completed so far.

The committee adjourned at 1204.

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- *Harrington, Margaret H. (Niagara Falls ND)
- Malkowski, Gary (York East/-Est ND)
- Mammoliti, George (Yorkview ND)
- Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Substitutions present/ Membres remplaçants présents:

- Cooper, Mike (Kitchener-Wilmot ND) for Mr Malkowski
- Tilson, David (Dufferin-Peel PC) for Mrs Witmer
- Wilson, Gary, (Kingston and The Islands/Kingston et Les Iles ND) for Mr Waters

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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Official Report of Debates (Hansard)

Wednesday 8 June 1994

Journal des débats (Hansard)

Mercredi 8 juin 1994

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Intended appointments

Draft report
Ontario Human Rights
Commission

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 8 June 1994

Mercredi 8 juin 1994

The committee met at 1011 in room 228.

INTENDED APPOINTMENTS

The Vice-Chair (Mr Allan K. McLean): This morning we're dealing with some appointments, and the first on our agenda is the intended appointee to the Ontario Film Review Board, Mr Sapard Kalala.

SAPARD KALALA

Review of intended appointment, selected by third party: Sapard Kalala, intended appointee as member, Ontario Film Review Board.

The Vice-Chair: Sapard, you have the opportunity to make an opening statement or a few remarks or we can go right into questions, whichever is your wish.

Mr Sapard Kalala: If I can say bonjour. Mon nom est Sapard Kalala. Je remercie d'abord le gouvernement qui a soumis ma nomination à ce comité. Je remercie aussi les membres du comité, venant du Président au Vice-Président et à tous les membres du comité qui sont ici.

The Vice-Chair: We haven't got translation.

Mr Kalala: Good morning. My name is Sapard Kalala. I thank first the government, which submitted this nomination to this committee. Also I thank the Chair, the Vice-Chair and all of the honourable members of the Legislative Assembly to be here talking with you. Thanks again for having me here. I am quite a bit shaky because you are the people I watch mostly on TV. When I see you now, you can understand my situation.

The Vice-Chair: We have a half-hour review and will start the first 10 minutes with Mrs Marland.

Mrs Margaret Marland (Mississauga South): Welcome, Mr Kalala. You must be really hard up for entertainment if you're watching us on television.

In my opinion, the Ontario Film Review Board is one of the most important government agencies we have in the province today, and I'm glad that you're being appointed. I'm interested to know your opinion on a number of things, because I'm sure you're aware that there has been a tremendous amount of controversy swirling around the Ontario Film Review Board for the last four or five years.

One of the concerns of the public stems from the fact that the viewing of the films is done at seven or eight times the normal speed and the sound is turned off. I just wondered what you would feel about being asked to review film in that way.

Mr Kalala: I can't accuse the members of the board because I've never been in the work before and I don't

know if they are viewing the film by turning the sound off. But for me I think it is better to do the job well. I have to view the film with the sound on to hear what they say and to follow it mostly for the enforcement. I will follow it regularly as the people who are watching the film, to see and to understand what could be good for our society.

Mrs Marland: Dorothy Christian, the chairman who just stepped down, was the one who told us that they viewed it at seven or eight times the normal speed with the sound turned off. One of the reasons she gave was that they just couldn't get through the volume of material if they had to sit there and watch everything at normal speed. I'm pleased to hear that you wouldn't want to review it that way.

Another thing that Ms Christian, the former chair, said was that the first obligation of the film board was to the business, the industry who produced the film, and the second responsibility was to the public. I wondered if you agreed with her position if you were being asked that question.

Mr Kalala: That's very controversial, because I know that firstly it's the public we are protecting. We protect the children of our society, those who will be responsible citizens of tomorrow. We have our mandate with society first, and business also comes first because it's very interesting for our society to have certain economic background. But when a board like this is there it's to protect society from violence, from all of the bad things that are happening in films today, and I think we have to do what we can do to protect the society. That's what I think.

Mrs Marland: Your priority is first to the people of Ontario, not to the industry?

Mr Kalala: Yes, it's first to the people of Ontario. But also we have to take the balance: people first and other things come after.

Mrs Marland: It is a publicly funded agency, totally publicly funded, so I think that's what the public are looking for. Do you believe in censorship?

Mr Kalala: The problem is, I can't say no or yes. If I follow the Charter of Rights and Freedoms and if I look at freedom of expression, because we consider things such as films under section 2(b) of the Charter of Rights and Freedoms and we believe that censorship is not really a very good thing, because sometimes it starts the people to think and extends knowledge. But in our free and democratic society, governments, you who are the lawmakers, have the right in section 1 of the Charter of

Rights and Freedoms to protect society from some of the things like violence against women, against children and all of the materials which are harmful to our society.

Mrs Marland: In this case, the government and the people of Ontario have diverted that responsibility to the Ontario Film Review Board. That's why I'm asking you, as a member of the Ontario Film Review Board, if you believe in censorship and would be willing to simply say outright that certain standards have to exist and certain material will not be circulated, even under any classification. Would you be willing to do that?

Mr Kalala: Yes, because I remember that in the Butler case Judge Sopinka said the same things, that there are some materials with obscenity which are dehumanizing, degrading people, mostly women, and they are really harmful to our society. These kinds of things can't be left in our market because they are not good for our society. These bad acts can't be accepted in Ontario at all, and I think that they could be deleted or censored.

1020

Mrs Marland: So you are willing to say no?

Mr Kalala: Yes.

Mrs Marland: How do you hope to establish your understanding of what the community standards are, of what the public wants? How do you hope to do that as a member of the Ontario Film Review Board?

Mr Kalala: Community standards are something which are more subjective than objective, but we can see that something which was considered pornographic in 1955 is not today pornographic at all; it's quite erotic material. By setting community standards, it's like having all of us in the same community, all of us different—I can't say different people because people are mostly the same, but different ideologies, people with different backgrounds, or people like us on the board and some people who view things differently, and that's the community standard. Together we shall make at least one thing which could come up.

In French they say, «On choque les idées, jaillit la lumière,» which means that where there is at least a shock of ideas, there will be lightening, and from that lightening together we shall make the community standards. With blacks, whites, different backgrounds of people, French Canadians, English Canadians, Hungarians, all of those people together but different backgrounds, we can make community standards. That's what I think.

Mrs Elizabeth Witmer (Waterloo North): I hear you saying then that you would support censorship of some material, some films, and the distribution thereof.

Mr Kalala: Yes. I would like to do that in the case where they are materials which are degrading people, mostly women, as we know it, and which are involving minors and bestiality, something like that. I can't let those materials get out.

Mrs Witmer: I'm pleased to hear you say that, because a leading group of psychologists have recently acknowledged that there is a need for some censorship. It was very difficult for these individuals to arrive at that particular conclusion, but the linkage between violent

movies and violence practised by individuals as a result of what they see in violent movies that mutilate women and children and what have you unfortunately now does carry over into the actions of children. We saw that in the case of the two boys in England. The one boy had been influenced by pornographic material that was in the home of his father.

I think there is an acknowledgement, although many people have not supported censorship in the past, that the linkage is there between what people see and how they act out that behaviour on the street. I hope that you would continue to be an advocate for the removal of material that was totally inappropriate for any audience whatsoever.

Ms Jenny Carter (Peterborough): I see you have quite a rich and varied background. You've travelled and so on. I was just wondering if you could tell us how your life experience and the different involvements that you've had with your community will help you contribute to the work of the film review board. What do you bring to this position?

Mr Kalala: I bring my experience. As you can see from my background, I have been involved with many people of different backgrounds, with the community as a whole from richest to poorest. I've travelled quite a bit, and with my education I think that's going to help me at least to see what the standards are. It will help me a great deal to contribute to this board. I hope that it will at least make Ontario a better place to live in by viewing the films. That's all I can say.

Ms Carter: As you said, it's hard to say that there's one set of community standards because there are so many different groups with different standards and you would have some understanding of what those different points of view would be.

You've been asked about censorship, but, of course, there are really two things that are involved here. One is sexual explicitness and the other is violence. Would you perhaps feel that violence was more of a problem? Do you have any opinions on that aspect of it?

Mr Kalala: Yes, because, as I said, I just remember in the Butler case Judge Sopinka said that there are so many materials which have explicit sexual activities but which are consensual. That's erotica and they can keep it for viewing. But where there's violence, it's better to stop it, because violence is violence, and violence is very bad, is degrading people. We have to stop as fast as we can. That's my idea.

Ms Carter: I'd go along with that.

Now a different question: Obviously entertainment technologies are changing all the time, and, of course, there are new implications with each technical change that we get. How do you see the role of the Ontario Film Review Board being affected by new technologies?

Mr Kalala: At this point I think we have to have a lot of concerns about what is produced. First of all, you might be sleeping at home at night and have children or grandchildren who are watching some pornographic materials on the computer or something like that. We could put our heads together to start to get all of the

materials, maybe the films published in America and so on, and try to play the bigger role of educating, which is very preventive, rather than going to look for films to censor. That is, we should try to educate people to know what is in the materials, to watch their children and what they do. From there, maybe people will choose what to view.

I have spoken to kids. When you tell them the Power Rangers are very violent and tell them, "Don't watch it. This guy's bad. If you watch it, you'll be violent," the kids start to say, "No, we don't want to watch Power Rangers at all because they are violent." That's the way. When you start educating people, they will know what is better. We are aware about these things which can hinder our children, younger people who are the future of this place. If we educate them when they are young, when they are our age, they will be better. That's all I can say.

Mr Robert Frankford (Scarborough East): I note that you live in Ottawa. Are you aware of the equivalent situation in Quebec? If one lives in Ottawa, going to Hull, would one be aware of any differences in policies about film censorship in the two jurisdictions?

Mr Kalala: Fortunately at this time I am working with the Quebec Human Rights Commission in a Quebec-Ontario exchange. I am an investigator and I deal quite a bit with the Quebec Charter of Human Rights and Freedoms. I found out in Quebec the Régie des films du Québec, which is the counterpart of the Ontario Film Review Board, have stickers on their films and the classification is made straight away from Quebec.

Mr Frankford: On the videos.

Mr Kalala: On the videos, yes. But here most of the time the videos we see, we find that it's PG-13, which is not the same classification, because here it is classified as "Family," "Parental Guidance," "Adult Accompaniment" and "Restricted." But in Quebec it's not that way. All of the stickers are coming from the Régie des films du Québec, and that's the difference. I found out that Quebec regulates their own and they are shown.

1030

The second difference is that in Ontario we classify films and the classification remains on the lists that are in the stores. They are not stuck to the films themselves, which is quite different because when people come, like when the police come, they have to go through the lists. For better control of this, it's better to have at least the stickers on those films and this could help to do something.

Mr Frankford: So this is something which might be discussed in the board.

Mr Kalala: Yes, we have to. I think we have good staff in the ministry and they are aware of it. In the board I think we have to discuss it.

Mr Frankford: Yes. Are you aware that there is any difference in the approach to judging films in the two provinces? You did say there was some classification.

Mr Kalala: Yes, classification. There is a difference because in most of the provinces, Quebec included, they start with "General" and they go on, but we don't have "General" here. We start at "Family" and "Parental

Guidance." Maybe if we can do the same—I don't know; It's up to the board to decide. I'm not on the board yet, but I think we should discuss this.

Mr Alvin Curling (Scarborough North): Mr Kalala, I want to welcome you here because it gives us an opportunity to see the kind of qualifications of an individual who is serving on the Ontario Film Review Board.

You come well qualified, I see, to this, but within this jurisdiction that you are, from time to time people will be asking you, and I notice that my colleague earlier on did ask you, about the community standard and how you define it. I think you defined it very well, but, you know, it's almost a moving definition, because in Ontario we talk about our diversity and as people move around and immigration comes in or in around the province, we find that it changes.

Do you think that the approach that is used by the Ontario Film Review Board is in a sense able to really properly define the community from time to time, or are we giving it too much of a job that is almost impossible, to say this is the community and then we will react to that community? Do you think this committee that you sit on is able to define the community and its standards?

Is it able to do that because—and allow me a little bit because there are times when you define it, the courts then will define what are standards and then the police define what are standards. Do you feel that this board is put in a peculiar position to define the standard and then be tested by the court and tested by the police how they enforce the laws?

Mr Kalala: Yes, sir. As you said, I think it is a moving definition. If we look back, we know that most of the decisions in this country were mostly—without prejudice I can say that they were mostly—I am thinking the example of Judge Denning, who gave an example of a reasonable man. He thought that a reasonable man has to be an Englishman, has to be a gentleman, he has to have an umbrella and a suit and a moustache and he has to wear black suits and hats. That's what they thought first as a reasonable man. We never had the definition of a reasonable woman at all because in some of the cases you find Denning saying that because she was a woman, she didn't have the standard of a reasonable man and then she was incapable.

That's what happened, and after years and years I think we are moving in the right direction. As far as we recognize the voting rights of those women that we are always working on, we recognize the rights of some of those people who are invisible or visible minorities, as they call them, we recognize the rights of other people to be equal and we've got the Charter of Rights in Canada and the Human Rights Code in Ontario, I think we are moving in the right direction.

By putting all of us together now—women, men, different religious professions, Catholics, Jews, Protestants and all of those, and people of different sexual orientation—all of us together discuss something we see that can happen in our society, to bring people together and discuss that. I leave the partisan politics for you—you are the ones I always watch on TV discussing those things—but on that board it's better for us to be really

sure that what are we working on, as a group, we are working towards one objective. That objective is to keep our Ontario safe.

Mr Curling: You're always put in a very difficult position, the board that is, because things that would be perceived as being natural for some people are offensive to other people. What comes to mind now is the example of *Show Boat*. Some people feel that it is quite entertaining, historical—not factual but historical, some people say—and other people say it is offensive.

As we try to define that, do you feel that we'll ever reach the situation, especially in times of history, where some of the things that happened in the past that have been so hurtful to people, if you want to call them minority groups—because I don't think they were quite successful, those who felt that *Show Boat* was offensive—could appeal to organizations like yours or some organization where they could make their concerns known? Do you feel that there should be something like that? Do we have films that have been shown and people seem to have gone to the Ontario Film Review Board and have had them withdrawn?

Since you come under the Theatres Act, and I presume *Show Boat* would come under the Theatres Act, do you feel that there should be something like that, because continuously—I'm a black person—people want to find out if *Show Boat* is offensive to me, and if I say no and the next person beside me says yes, where do we take that kind of a situation?

I could say that I commend the Jewish people who are so organized, who have categorized and listed some of the things that have been atrocious in their lives, and say, "We can identify that and we want that withdrawn." I don't think the black community has those kinds of resources and organization. Do you feel there should be some board where that could be addressed outside of a court?

Mr Kalala: You said that it puts you in a difficult position, but you are putting me now in a particular situation. Seeing a black cat doesn't mean that the black cat is not a cat at all. All of us are human beings, despite all the distinctions between our colours. I know that so many bad things happened to Jewish people in Germany and I don't deny what happened to black people on slave ships, but that didn't stop the production of a movie like *Schindler's List*.

Second, I know that with things like *Show Boat*, there will always be disagreement with people. There will never be a 100% agreement in our communities. But I know that if I go today to have it, they will see me and say, "You are a black person," and at the same time with intention people tend always to compare that I represent you, as when you are there, even though I didn't select you, they can always say that you represent black people.

This time, as in *Show Boat*, in case of things like that, our community is well aware that we are in the 20th century. We are not in the 21st century. History is long, but reminding people about their history is not bad, except in the case where this has been done with the objective of trying to degrade people. But if it's done to teach, to remember as in the arts and to give a certain

historical significance, I think it's a good thing, because everybody tends to forget. That's what I can say.

1040

Mr Curling: I think you answered well on that, very well. It's not a matter of testing you to see how you answer it. I think what you're saying is how difficult it is. My position and my question is, who will make those judgements? Who will say, "This is history," and who, "This is offensive"? I don't need you to answer that, because I'm saying that will be raised from time to time. What is offensive to one could be quite entertaining or historical to the other, conceived as historical stuff.

I see this also in the way that you do things on the review board. For instance, when you want to rate one film as an AA rating and one as restricted, which one should you see, because some people see that as what's the difference between AA and a restricted rating film. Some people would see this as being rather obnoxious and some people see it as normal entertainment.

I don't have another question. I just want to say to you that, reading your background and seeing how you present yourself, I think you will make a great contribution to the board. Robert Payne was there before and raised some very important questions. Some of it has not yet been resolved. We hope that you continue to contribute to that and reach out in the community so that you can have a community standard and community reflecting its aspirations, its history, and what is offensive to that can be reflected in your decision.

The Chair (Mrs Margaret Marland): Thank you for appearing before us this morning, Mr Kalala.

GEORGE TRIALONIS

Review of intended appointment, selected by government party: George Trialonis, intended appointee as member, Ontario Highway Transport Board.

The Chair: Mr Trialonis, welcome. If you wish to make a brief opening statement, you may, or we may just start with questions, whichever is your preference.

Mr George Trialonis: Thank you very much for giving me this opportunity to be here with you and share ideas and get more experience.

Mr Frankford: Good morning and welcome. I notice in your résumé you don't really have a great background around transportation, but you have a background in small business and communications and in the Greek community.

Mr Trialonis: Yes, that's right.

Mr Frankford: Can I ask you something which you may not have thought about? It's a long time since I've been in Greece, but in many countries there is a sort of intermediate form of transportation—in Israel they're called sheruts; in North America in the past they were called jitneys; in Mexico they're called públicos—a form of quasi-public transportation which is small vehicles going in fixed routes for a modest sum. Is there such a thing in Greece?

Mr Trialonis: Yes, there is. Transportation is divided into different sectors. One of them is assisted and financed by the government and another one is operated

by owners, by the private sector. So it's a mixed private and governmental sector. It seems that both of them work well. In case any one of you has been to Greece, I think you didn't have any trouble with going around.

Mr Frankford: The private ones would be the smallest—

Mr Trialonis: Small licences, yes. They operate the small vehicles primarily between the big cities and the rural areas. The governmental sector operates in the big cities; like the TTC and the highway transportation system.

Mr Frankford: I don't expect you to know the complexities of the regulations that exist right now, but it would sound to me as though the board which we believe we're going to be appointing you to would be able to oversee this and perhaps there would be an opportunity of getting into a similar type of vehicle and encouraging a new sector of transportation.

Mr Trialonis: Yes, I would say. I don't want to compare what happens in Greece and what happens here, but transportation, I believe, is a very important aspect of the governmental issue. It brings people together and it gives the opportunity to rural areas, help to cities to develop, and I think it's very important.

My background is not very rich, but I'm a fast learner. I believe that with cooperation and exchange of ideas I'll get the experience and serve Canadian transportation.

Mr Frankford: It would sound as though you have some interesting experience that you can bring from another country, which I personally have been looking for and I think it's a welcome appointment.

Mr Trialonis: If they would be appreciated by the rest of the board, yes.

Ms Carter: As has been mentioned, you don't have very specific knowledge of the transportation industry, and I believe it has been the practice in the past to appoint to this board people who have been more closely involved. It seems to me that this is a deliberate policy of having more of a mix of people on this board, which I think is going to be a good thing because you'll bring a different viewpoint and you're not specifically involved in the kind of issues that have affected this.

If you were involved in making a decision—and obviously you need to know all the rules and regulations pertaining to licensing and so on—if you found that you didn't know how to apply the act to the case that was in front of you, what would you do?

Mr Trialonis: It seems to me that I would ask the advice of the rest of the members of the committee, exchange ideas, ask them questions towards what's legal and what's not, and then I would make up my mind, but based on what the rest of the committee, the more experienced people, will say.

That's in the beginning. I hope once I'll get familiar with the procedures and be more experienced, I would be able to make up my mind. Even if such is the case and even, I think, experienced members, they have to exchange ideas with the rest of the board as well.

Ms Carter: You have been involved with small business as an owner-manager of a community news-

paper. Do you think that the experience you have had will be useful to you in this function, because, after all, the people making these applications are small businesses.

Mr Trialonis: I think so. I have a very good idea what the difficulties are for having your own business. I have served also on the Greek National Tourist Organization and, of course, tourism and transportation were related somehow, and that helped me a lot. I think I can bring my ideas and I'll be helpful.

Mr Daniel Waters (Muskoka-Georgian Bay): Your last statement, sir, was very refreshing; finally somebody that recognizes that our roads are made for more than just tractor-trailers. Coming from a tourist area and a cottage area, one of the things I've always found difficult to understand is why the people at the Ministry of Transportation don't understand why they built the roads. There's more than one reason, and one of the biggest reasons hopefully in the future will be tourism.

1050

One of my other concerns, and I really don't know whether it's part of the commission of the board that you're going to sit on or not, but it's becoming a hazard, I believe, on the highway, is the ability for tractor-trailer companies to put five and six or more axles under a trailer, because of the weight, the damage it does to the road and the ability to stop. I have even had truckers admit that once you get these five-axle trailers fully loaded, you can't stop them in an emergency.

I'm curious: Do you know that much about what the board does? Does it actually deal with that type of thing, or is there an ability, through the board, to talk within the ministry, to send recommendations on some of these things where there is a potential hazard in the case of so many axles? We're out of step with the rest of North America; everyone else allows two to three axles and we're allowing five or more. I'm just wondering if there's an ability through that board to have any impact on the ministry.

Mr Trialonis: I would say that they should at least recommend something to the minister, to take some kind of action if that's the case.

Mr Waters: It may not be as easy as before, because as we all know, the trucking industry has been deregulated, but even at that there has to be a regulation somewhere as to when to say, "Whoa."

Mr Trialonis: Yes, I think so. We need to make a research, and if we see that those trucks are destroying the roads or the streets, then we can recommend to take action. First of all, it's the word "research." We have to make—oh, I'm sorry. I can't find the word. We have to examine the case, the particulars of the case, and be very sure about our recommendation to the minister.

Mr Waters: You talked about tourism and transportation, and I think that as tourism evolves within this province and indeed within this country, we are going to end up with more and more offshore tourism, which means buses and other modes of transportation in order to move those tourists about. Do you have any feelings on what we should be doing within our transportation system in order to prepare it for the future of tourism?

Once again, because of your being part of a tourism background, how can we prepare the roads, maybe our communities or something, to make them more user-friendly for our tourists who will be coming?

Mr Trialonis: I think one very important aspect here is the safety of the roads. We have to make our roads and streets very safe. Also, we have to make the schedules and connect the different cities and different historical—because tourists like to visit historical places—make the connections between those places more frequent and do something about the timing, the time that the bus leaves and the time that the bus comes back, to be very precise. I think as well, and this is good, the attitude of the people who operate the buses is very good in Canada, and that's a very nice thing. They are very polite; they are helpful to the people.

Mrs Witmer: I was going to ask you what experience you've had in the past as an adjudicator.

Mr Trialonis: I worked for the Greek National Tourist Organization.

Mrs Witmer: For which tourist board?

Mr Trialonis: The Greek National Tourist Organization here in Canada. It was a committee—actually it was operated under the assistance of the Greek government—and we were working there, 10 or 11 people, and we exchanged ideas, what to do in order to promote Greek tourism in Canada. We had to take decisions about where to advertise, what shows in which to participate, and all those should be answered with why: why we should take part in a particular show or why we should advertise on a particular TV show. I think that's very important to a board, if the person who participates there knows how to relate why and what—what has to be done and why—what are the implications of having a certain decision, what's going to affect and how it's going to affect the people and everything. I think that's my experience.

Mrs Witmer: What type of familiarity do you have at the present time as far as the busing industry is concerned; that is, the local busing industry, the extra-provincial busing industry?

Mr Trialonis: Well, my experience is limited for the transportation, but as I mentioned before, I'm a fast learner, I'm a hard-working person, I know how to cooperate with people, I take advice, I'm objective and I count on my qualities that I'll manage to do a good job.

Mrs Witmer: Why do you want this position, then?

Mr Trialonis: To get the experience from the other people and also to try and offer something with my limited knowledge. I think that everyone has to offer something.

Mrs Witmer: Okay. I guess what I was saying was, what motivated you to apply for this position?

Mr Trialonis: It's a challenging position for me. I like challenges. I like to know more; I like to be involved in the communities.

Mrs Witmer: How did you become aware of this position?

Mr Trialonis: From a friend of mine, who said: "I

hear that they're asking for a person there. Why don't you go and apply? I think you've got the qualities."

Mrs Witmer: Thank you, and I wish you well.

1100

The Chair: Thank you, Mr Trialonis.

If Mr Waters comes back in—we have two things: We have a subcommittee that I thought we could do, but right now we don't have any of the subcommittee members here. So I think what we will do is—

Clerk of the Committee (Ms Lynn Mellor): Make the motion?

The Chair: I think we have to wait till we have some members back to do the motion.

All right. We need a motion dealing with Mr Sapard Kalala as an appointment as member to the Ontario Film Review Board and Mr George Trialonis as a member of the Ontario Highway Transport Board.

Mr Waters: So moved, Madam Chair.

The Chair: Mr Waters has moved both those appointments. All in favour? That motion is carried.

DRAFT REPORT

ONTARIO HUMAN RIGHTS COMMISSION

The Chair: Now we will move to the finalization of the Ontario Human Rights Commission report, the review that has been done by this committee. As you know, we did work on the report last week and there were some very significant suggestions made by you, the members of the committee, and we also identified there were some areas where earlier in the report there were options about whether or not you wanted to make recommendations that had to be addressed. The suggestion was that each caucus review that and you as members would come back this week with your recommendations.

So is it the wish of the committee that Mr Pond take us directly to where those options were and then you speak about what your preferences are?

Mr Waters: That's fine with me, Madam Chair.

Mr David Pond: The options, to put it that way, begin on page 30. What I've done here, as you will recall, as you directed initially in February, is summarize the main points made by the witnesses which you felt were relevant to the hearings and summarize their proposed recommendations. The first proposed set of recommendations begins on page 30. Your eye will quickly be drawn to the bold italics, which list the questions you want to consider as you go through this.

I might add that some of these recommendations have been responded to initially by the Human Rights Commission in a document called Commission Response to Recommendations Made to the Standing Committee on Government Agencies, which you all have a copy of. So you've already got in many cases here a preliminary response from the commission. So I'll stop there.

I can continue if you like, Madam Chair.

The Chair: I'm waiting for members to respond.

Mr Waters: So, Mr Pond, we're looking at page 30 and you said the recommendations under section 34 of the act is what you're talking about at this point?

Mr Pond: Yes, one of the recommendations, as you recall, that many of the witnesses made was that the commission use section 34 of the code more rigorously to narrow down its case load, and in the bullet points I list what section 34 empowers the commission to do.

I might add that when Ms Brown appeared before the standing committee on the Ombudsman a couple of weeks ago, she pointed out that under her tenure, which is fairly young, as you know, the commission was using section 34 more often to narrow down its case load at the preliminary stage. She argued that, in fiscal year 1993-94, the more rigorous use of section 34 had already had an impact on the commission's work.

Ms Carter: The point there is that as a general rule that six-month rule is fine, but there may be occasions when it should be waived and the commission should be free to do that. It shouldn't be a hard-and-fast regulation.

Mr Waters: Further to that, on this rule of the 12 months—there are cases out there where, especially with recent people who have emigrated to the country and don't understand our laws, it might take them longer to bring their problems forward for a whole number of reasons.

Regardless of whether they're a recent immigrant or a person who is fourth or fifth generation, it's my understanding that what the Human Rights Commission is all about is to make sure that everyone is treated equally in the eyes of the commission. So I think that you cannot write it as a hard-and-fast rule.

The Chair: Maybe we should go down these bullet points one at a time, but you've just addressed the 12 months, so you don't wish to make a recommendation on that part.

Mr Waters: I want to remove the words "early stage of the process." I know that I've seen it somewhere in here and I found it and I can't seem to find it at the moment.

Mr Pond: With regard to a recommendation made by one of the witnesses, sir?

Mr Waters: That's probably where it came in and I'm just trying to find it. Today has been somewhat of a confusing day for me and I'm having trouble finding things.

Wait a minute. It could be back on page 17.

Ms Carter: Yes, it is page 17. There's a recommendation, "The code should be reworded to prevent the commission from dealing with a complaint filed 12 months after the date of the alleged discrimination."

Mr Pond: Here it is. It is on page 30 of the draft you probably received on Monday. The third thick bullet point: "The code should be reworded to prevent the commission from dealing with a complaint filed 12 months after the date of the alleged discrimination."

Ms Carter: What we need here is to substitute some wording which says that the commission has the discretion to deal with a complaint filed 12 months after the date of the alleged discrimination, although as a general rule it would not do so; something like that.

The Chair: Is the intent of the committee to discour-

age members of the public from having the option of filing a complaint after any period of time? I think that's what you have to decide.

Ms Carter: I think the point is, that as a general rule it's fine, but there might be exceptional circumstances and we don't want to close that off so that the commission could not deal with a complaint that's still seen to be valid in spite of the time that had elapsed. So we want somehow to give them the discretion.

The Chair: First of all, I think you have to decide on whether 12 months or 18 months or 24 months is the benchmark you want to use and then decide: "However, there may be exceptions and it will be at the discretion of the commission."

Ms Carter: I don't think you want to change the 12 months. That's fine.

The Chair: You agree with that?

Ms Carter: Yes.

1110

Mr Waters: What we are saying is that there is always the exception to the rule. So if you make it a hard-and-fast 12 months, those people who might be the exception would then not be able to access their rights under the law.

The Chair: So do you just want to add at the end of that sentence, then, "However, exceptions may be made at the discretion of the commission"?

Mr Waters: That would do.

The Chair: Okay. Are we going to work down page 30, starting at the top?

Mr Waters: I don't have any problem with the first bullet point. It could be more that they could refuse to deal with it if the complaint should be—in some cases I know it deals with collective agreements and things like that. I think that there are avenues that the person or the complainant should use to resolve a case and the commission is more a place of last resort in those cases. Try to resolve it within.

The Chair: To move to the second sub-bullet, "The subject matter of the complaint is trivial, frivolous, vexatious or made in bad faith," obviously the first person who hears that complaint has to interpret that, has to make that decision. I'm just wondering if, under clause 34(1)(b), there is an appeal of that. I may have a personality problem with the first person who hears my case, and say, "That's trivial," or "You're not doing it in good faith," and that's their single opinion.

Mr Waters: It's my belief that they have the right to appeal the decision.

The Chair: They have a right to appeal the final decision, I know. I'm wondering if at that point they do.

Mr Waters: Maybe Mr Pond could enlighten us.

Mr Pond: Yes. We go into that on the bottom of page 3. If you're the complainant and the staff, at first instance, make a decision you don't like, that's not necessarily the end of the story. Just to quote from the report here: "If the staff are unable to settle a complaint"—for example, in this case they reject it—"a report is made to the commission detailing the findings of the

investigation. The commission has the discretion to decide not to deal with the complaint if..." and then I outline the substance of section 34. Then you go to page 4: "If the commission decides not to deal with a complaint, it must notify the complainant in writing and advise him or her of his or her right under section 36 of the code to apply to the commission for a reconsideration."

The Chair: That answers that, then. So does the committee then agree with the first bullet point on page 30, including the four sub-bullets?

Mr Waters: The last bullet point does amend it.

The Chair: Oh, wait a minute.

Mr Waters: Along by the exceptions.

The Chair: The fourth sub-bullet is now in contradiction to the one we just agreed on, isn't it?

Mr Pond: Yes and no. As I mentioned earlier, Ms Brown has already responded to this particular recommendation in the Ombudsman's committee. You could change this quite simply, frankly. The first line could be changed to read, "The commission should be 'encouraged'" and that essentially covers the ballpark. If you say "required," you're essentially fettering their discretion, which I'm not sure you would want to do. You might want to consider the implications of directing a quasi-judicial commission to hear certain cases certain ways. If you put "the commission should be encouraged," you're essentially fitting in with existing policy under Ms Brown, because what she told the Ombudsman's committee a couple of weeks ago is that the commission is now invoking the section more rigorously under her leadership. If you put, "The commission should be encouraged," and not "required," which is what one of the witnesses said it should be, you're essentially endorsing her efforts.

Mr Frankford: This, in the document, is saying what witnesses have said—

Mr Pond: Yes, precisely.

Mr Frankford: —and we're really going down to the bottom, maybe, to make a position. We're not going to ask that they change what they're empowered to do right now, so I suppose we're supporting what they can do right now.

The Chair: So do you want the words to say, "should be encouraged," then, instead of "should be required"?

Mr Frankford: What did the witnesses say?

Mr Pond: They're saying it should be "required."

Mr Curling: Who said it should be "required"?

Mr Pond: Some of the witnesses who addressed this issue.

Mr Curling: I think if the witness said it should be "required," it should be "required." It's rather sad to know they had to say that, but it is said, "The commission should be required to invoke." That's their requirement, as a matter of fact; they should be adhering to the Human Rights Code.

Mr Frankford: They're saying they should invoke it more rigorously. They were suggesting ways in which the process could be speeded up and there would be—

Mr Curling: So in other words, rigorously.

The Chair: I think the point is, if the code exists, we either support it or we don't. I think what this statement is saying is that the code exists; the commission should meet the requirements of the code.

Mr Waters: I guess the reason why I would say to change it is that in some ways we're dealing with a group of people unlike we deal with in other areas of government and the Legislature, and indeed the Human Rights Commission deals that way. We deal with, in a lot of cases, the most vulnerable people in our society.

I would hope that we try to keep the Human Rights Commission to a point where a person can walk in off the street without a lawyer and a multitude of support and be dealt with fairly and feel that they've had a fair hearing and a fair outcome. If indeed you start to become demanding and taking some of the flexibility of the commission away, then they lose the personal touch, I guess, is what I want to say. I would hope that the Human Rights Commission gives every person who comes into it with a complaint the personal touch, sits down and hears them out, because a lot of these people, it might be their first time that they deal with any judicial body or semi-judicial body or anything of that nature.

Therefore, I would have trouble if we indeed get too forceful with the commission. I think it needs flexibility; I think it's very much a living commission that has to deal with each individual as an individual.

Mr Curling: My feeling is that if the presenters had said that it is to be required, encouraged, it doesn't matter to me, just that we place what they say. If they don't want to say it to be encouraged or required, it really doesn't matter.

The Chair: I'm looking for what you want it to say.

Mr Waters: I would move that we change, in the first line, "to be required" to read "to be encouraged to invoke."

The Chair: Does everybody agree with that?

Ms Carter: I know we've already discussed the one about 12 months, but just looking at this again, I think if we cross that out, then the rest would be probably okay.

The Chair: Wait a second. I'm only dealing with the first major bullet right now. We're dealing with the first sentence.

Ms Carter: But that kind of covers the rest.

The Chair: After you decide whether you want "encouraged" or "required," I then would like you to tell me what you want in the fourth sub-bullet, which says "six months," whereas further down, in the third major bullet, it says, "12 months."

1120

Mr Frankford: It seems to me that these bullet points are what has been suggested by witnesses. That's them and that's not us. We are, I think, dealing with what the committee is saying and Mr Pond asks the question at the bottom of the page for us to respond to. We're trying to have some wording as far as a recommendation, which I think, if I get the sense of what people are saying, is to provide some sort of balance between saying, "Yes, it

should be required," which is thought to be too harsh because that could be very impersonal and too severe, or the other extreme, to say, "Yes, we don't want to change the act and these bullet points are in it currently and we don't see any need to change it."

The Chair: I think maybe we're getting into a bit too much of semantics here. The purpose of the review was because everybody's concerned about the backlog, and as it says in the previous paragraph, you're looking at ways "to help the commission better manage its case load in the future and to encourage the commission to respect the limits of its jurisdiction." I don't think there's any disagreement with you on that and I think what you're trying to do here is give some direction to the commission about how it can meet the requirements of dealing with its case load. What you're simply saying is, under certain circumstances maybe if they invoke section 34 they can get on with their case load better because their case load will be defined more clearly.

Mrs Witmer: I think we're starting to second-guess the witnesses. People did come in and everybody talked about the backlog at the commission and the fact that the case load was not being dealt with efficiently and within a short time frame. I'm very comfortable with the wording here, that they need to be required to invoke that section more rigorously. This is the only way that we're going to get that backlog under control. Also, it at least gives them some direction as to what they are able to do, because this commission is not functioning the way that the public in Ontario would like it to function.

The Chair: We do have a motion. Mr Waters moved that page 30, first bullet, changing the word "required" to "encourage." So the motion is to change the word from "required" to "encouraged."

All in favour? Okay. So we'll leave it as "required."

It's too bad we didn't number these. Let's number them. The major bullets are going to be 1, 2, 3, 4, 5, and then we'll just count the others as—

Mrs Witmer: A, B, C, D?

The Chair: Yes, let's do that. So 1(d) is in conflict with number 3, is it not?

Mr Curling: Wait a second. "The commission should be encouraged" is 1. Is that it?

The Chair: We've agreed to the wording on bullet 1. Under bullet 1(d), where it says, "the facts upon which the complaint is based occurred more than six months before the complaint was filed," I'm simply saying to you: before you approve that, look at bullet 3, which is dealing with 12 months. I think you've got to decide which you want.

Mr Frankford: Are we not going to leave the bullets as is, because that's what's been suggested by outside witnesses? Are we not trying to get some text of the opinion of the committee about these recommendations? We can note that 3 is apparently at variance with 1(d).

The Chair: Okay. Mr Pond doesn't interpret it as a conflict, which I was doing.

Mr Pond: Well, 3 requires the code to be reworded, so that would require, as Ms Brown pointed out in her response, an amendment through the Legislature. So the

question here is, do you want to go to that extent?

Recommendation 1 simply asks the commission to change the way it operates, period. Recommendation 3 will require the government to move an amendment to the code in the Legislature, so recommendation 3 is going one step further. You could adopt both if you wanted, but number 3 would require an amendment to the code.

Ms Carter: But even under 1(d) there might be people who for some reason don't file because they aren't aware of their rights until some time has elapsed, so I would be worried about that one.

Mr Waters: Might I suggest that (d) and 3 should match? We've already had a previous discussion on how we would like to change 3 that would allow for those exceptional cases that wouldn't tie the hands of the commission not to deal with an exceptional case, and I think we had some wording on that a few minutes' back. If you wanted to eliminate (d) and deal with it solely under 3, it's another alternative, I believe, isn't it?

The Chair: I think so.

Mr Waters: Why don't we just do that? Eliminate it, because you're saying the same thing.

Ms Carter: We've got six months and 12 months.

Mr Waters: Yes, so let's eliminate the six-month one.

Ms Carter: There's such confusion in here.

Mr Curling: Maybe the lawyers can define for me the difference between the facts upon which the complaint is based that occurred more than six months to the other wording, "The code should be reworded to prevent the commission from dealing with a complaint filed...." Is there a difference between the facts?

Mr Pond: No. The first one, (d), is legal language lifted directly from the code, and 3 is simply language recommended by a witness.

Mr Curling: Okay, so (d) is recommended by a witness.

Mr Pond: No, 1(d) is the language lifted from the code, clause 34(1)(d)—

Mr Curling: Oh, I see.

Mr Pond: —and recommendation 3 here, as we've numbered them, is a recommendation lifted from the witness's testimony.

Mr Curling: But you said to us that the (d) one doesn't take any change in the code.

Mr Pond: No, all that recommendation 1 will require is for the commission to more rigorously invoke an existing clause. Recommendation 3 would require an amendment to the code.

Mr Waters: So what we want to do is keep (d) and eliminate 3. Okay.

The Chair: First of all, you don't want to change the code in number 1, so you might as well leave it as it is. Then when you move to 3 that's another decision. You were saying earlier that you support 3 as long as there is an exemptive opportunity for the commission in certain circumstances. So why don't you just say that? Why don't we just say in 3, "after the date of the alleged discrimination," whatever the wording was I said earlier,

which was, "Under certain circumstances, an exemption may be considered"?

Mr Waters: At the discretion of the commission.

The Chair: At the discretion of the commission.

Mr Frankford: Shouldn't this be in a new sentence in which we, the committee, are commenting on these bullet points, "The committee agreed with bullet point 3, but expressed" whatever reservations?

The Chair: Okay. Let's do that. So we've approved 1 and 3. Do you approve 2, 4 and 5?

Ms Carter: The undue hardship one?

The Chair: Let's deal with 2, if you're going to discuss them individually. "The Legislature, and not the commission, should be responsible for adding new grounds to the code."

Ms Carter: That's fine.

Mr Waters: That's fine.

The Chair: Okay. Number 4: "Where the complainant has settled the subject matter of the complaint, he or she should not be allowed to initiate a complaint under the code." Isn't that common sense?

Ms Carter: Yes, that's fine.

Mr Waters: That's fine.

1130

The Chair: Okay. "(5) What constitutes 'undue hardship' in accommodation cases should be clearly articulated in regulations." That would be regulations in the Landlord and Tenant Act and I'm assuming —

Mr Curling: It's regulations.

The Chair: —regulations in all the provincial statutes that apply to accommodation.

Mr Waters: I know, because I was particularly interested in disabled accommodation, even within our own Ministry of Housing, and I'm talking with the minister on coming up with some sort of standard, because what we're doing is that we're creating disabled suites that don't really have any standards across the province. You have some who have access by a phone and others who have access by a wall unit in order to let people in the front door of the building. You have situations where most of them have nothing for the deaf. They're only for the physically disabled confined to a wheelchair. It doesn't take in other people and their disabilities. All that has to be incorporated into these suites eventually.

The Chair: So number 5 supports your concern.

Mr Waters: Yes.

Ms Carter: I'm wondering if we should give further consideration to this, because there's a danger with defining this thing that you can sometimes narrow things, reduce eligibility by being too rigid. We need to be sure what we're doing.

The Chair: But at least to articulate "undue hardship" in accommodation cases in regulations would be a beginning, if it's not defined anywhere now.

Mr Curling: I have no problem with that. I just want to know what regulations we're talking about. Is it all regulations in all jurisdictions that depict undue hardship,

or is it the Human Rights Code regulation?

Mr Pond: The complaint by witnesses behind this is summarized at the first bullet point on page 28. The argument you'll get from some of the witnesses, landlords, for example, and employment lawyers is that the commission's interpretation on the duty to accommodate an individual's disability under the code with reference to employers, landlords and service providers is extremely generous. To read you the last line, "By adopting such a high threshold for undue hardship, which employers will have difficulty meeting, the commission multiplies the number of complaints with which it will have to deal."

The argument you get from these witnesses is that this kind of interpretation should be clearly written in a regulation which the government of the day has promulgated and should not be left to the discretion of the commission. This is one of the ways, so argue the witnesses, that the commission in effect expands its jurisdiction, by adopting liberal interpretations of the relevant sections in the code and multiplies the case load.

Hence, the argument is that whatever standard the government adopts for undue hardship, it should be set by the government of the day and not—

The Chair: Then what you're saying is, so everybody knows what the ground rules are—

Mr Pond: Yes, precisely.

The Chair: —the government knows, the public knows, and the public being the employer in some cases, the landlord in some cases and the client. That does make sense, to have the rules established so that people can't change them for their convenience, an employer or a client. If we, as a committee, hear there are problems with those regulations, then that's something we can take issue with in the House, in the Legislature.

Mr Frankford: That was my sense, that regulations really meant the guidelines that the commission operated under would be made clear in advance, and I guess regulations can always be changed as time goes on, but that the commission, as Mr Pond said, wouldn't be able to keep on expanding the definitions.

The Chair: We had better define whose regulations these are by saying the regulations—

Mr Pond: Promulgated by cabinet?

The Chair: But they're the regulations for the enforcement of the code, is what I'm pointing out.

Mr Pond: Oh, I see what you mean.

Mr Curling: But they're saying in accommodation cases and I think what they were referring to here was maybe in housing, landlords and all that.

The Chair: Right.

Mr Curling: We don't know if it's in the hospital, we don't know if it's the workplace.

The Chair: It's accommodating people, so it may be accommodating them in their workplace.

Mr Curling: Yes, but when they were making reference here it was in regard to landlords.

Mr Pond: I'll clean that up. I see what you mean.

The Chair: David is going to clean it up and make—

Mr Pond: More succinct.

The Chair: —the regulations be a ground rule for OHRC to operate under.

Mr Curling: Yes.

The Chair: Okay.

Mr Curling: Not only OHRC, you know.

Mr Waters: It'll come back to us anyway, Alvin.

Mr Pond: Yes, you'll see everything again.

The Chair: We weren't going to see everything again. We were going to try to finalize it today. I think David knows what it is that you're saying. Do you want to authorize me to approve the wording after David's done it? We can phone you on that one, if you like.

Mr Curling: We want to finish this today?

The Chair: We do, because even now it's doubtful that we can get this report—

Mr Waters: Get it to the House.

The Chair: We want to get it tabled in the House and we've done the other two. We have to table them all altogether. The other two have been translated. This one has to be finalized and still translated and we still want to try to get it tabled.

Clerk of the Committee: Otherwise we'll be tabling it during the recess with the Clerk. It will be released as soon as it's ready.

The Chair: Yes.

Clerk of the Committee: It might be the first or the second week in July.

Mr Waters: David has a fairly good idea of what we're trying to say. You haven't failed us a lot yet.

The Chair: David would like to send it to you all.

Mr Pond: I'm just asking the clerk. What's the routine?

Clerk of the Committee: If they're comfortable and you're comfortable with it, fine, otherwise perhaps maybe you could authorize Margaret to peruse the final changes that he's done, if you're comfortable with that.

The Chair: I don't know. Everybody has fax machines.

Mr Curling: Could we have her do this instead of meeting? In other words, David has done it and sent it to us and said those who will be responding have 48 hours to respond.

The Chair: Yes, I think we should just whistle it out to your fax machines.

Mr Curling: Yes, and then we whistle it back, and if you don't see it, you run.

Clerk of the Committee: Just the changes.

Mr Waters: Just the changes, if we have any.

The Chair: I think in fairness you should be able to respond in a day on that.

Mr Waters: Yes.

The Chair: I'd rather you did that. I don't mind the responsibility. I just don't want to not approve something that you're not happy with.

Clerk of the Committee: If there are any questions,

what do you want to do? Circulate the changes that may have been suggested by one party or another?

Mr Waters: Yes, that sounds fine.

The Chair: My guess is that David will get it right the first time.

Ms Carter: I think the idea is that there are broad guidelines which would probably be in the legislation and then we've got the more precise interpretation of very specific things, which would be regulations.

Mr Pond: Yes, I think that's it exactly.

Ms Carter: Okay.

Mr Pond: The code is fairly broad, as you know.

The Chair: Okay. I think we're now at the top of page 31.

Mr Pond: This is the big one, to put it crudely, the right to a hearing. The issue here, as you recall, is that many of the community groups that appeared before the committee would like to see a complete change in the way complaints are processed, whereby complainants could go directly to a hearing and circumvent the commission entirely. It's basically summarizing the second paragraph here, starting with, "ARCH and CERA argue that..." and following. That's the major thrust of the argument you'll get from those kinds of witnesses.

Mr Waters: My response to it is no, there is a process. My rationale is that all you're going to do is create a backlog in a different place. The idea is to deal with the problem and the best and most efficient way to do it is to deal with it early on.

The Chair: And go with the process. So we don't want a recommendation on that.

Mr Pond: Just a clarification: Should I leave this out entirely then or should I argue—

Mr Waters: What I'm saying is, no recommendation.

Mr Pond: So I'll just leave out this issue.

The Chair: You might want to make a statement, such as you've just said.

Mr Pond: If that's what you want me to do, okay.

Ms Carter: We just want no recommendation. Just leave the recommendation out.

1140

The Chair: What I'm hearing is that you might want to reinforce the fact that you heard this presentation, but your decision is that there is a process in place and you want that process to carry on.

Mr Curling: No, I have a different idea. I think it should remain in here as it is. What we were doing previously was to make the process more efficient. We felt that some of the things we have recommended to the minister, if that is being done, would help the frustration and delays. Therefore, it would not necessitate going straight to hearings.

In other words, they're saying, "We're so frustrated with the backlog, we want to go straight..." We're saying: "We have looked at this report. We have tidied it up in some respects. Hopefully, they will follow that. It would not necessitate your bypassing the process." So I would say keep it and say that we want to put a bit of

confidence in what we have amended here for the report. When that is done, we don't need to bypass the process.

Mr Waters: That's much the same as what I said.

The Chair: That sounds good.

Mr Curling: I just don't want to ignore CERA—

The Chair: No, I think their comments should be there, but what I'm saying is—

Mr Waters: Our response to their comments is that we do not recommend this and these are the reasons why.

The Chair: At this time.

Ms Carter: A lot of complaints are settled before they get to the board of inquiry and we don't want to stop that from happening. It just builds another backlog.

The Chair: I think that sounds good.

The next one: We're going to have to move our little selves along here.

Mr Pond: The next one was recommended by Mr MacKillop, an employment lawyer, and Mr Shell, the Canadian general counsel from the Steelworkers, two people with different perspectives, essentially arguing that the expedited hearings process under the Ontario Labour Relations Act could be adapted to the Human Rights Commission.

I should point out that in the commission response to recommendations made to the standing committee, the document prepared by the commission in response to all the witness testimony, on the bottom of page 13, the commission opposes this recommendation. The commission essentially argues there really is no parallel between the processes under the Ontario Labour Relations Act and the processes under the code, that they're two completely separate processes.

In particular, under the code, the investigation by the commission officers has to be complete before you go to the next step. Under the expedited hearings process under the Labour Relations Act, you can essentially jump the completion of the investigation and go right to an expedited hearing. The commission argues that's undesirable in the case of human rights complaints because, for example, not all the evidence might be filed, if you jumped to a hearing without completing the investigation first, and that can lead to injustice down the line or a bad decision, if you like, down the line.

I thought I'd fill you in there. That's likely to be the commission's response if you adopt this recommendation.

Mr Waters: As a person who came out of the labour movement, I used to use that quite frequently because of that exact reason. If I thought I had my paperwork together and the people opposite didn't, I would jump. Therefore, I would be prepared and they aren't. In the case of human rights, when you're dealing with individuals, as I've said before, let's keep it human. These people don't have unions or large organizations behind them all the time when they're coming forward. Let's keep a human face on the commission.

The Chair: Do you want to leave this in without a recommendation?

Mr Waters: Yes. I think we should leave that as is.

The Chair: Okay.

Mr Pond: Should we include what you just said, sir, the summation about—you're going to get this back—

Mr Waters: You can if you want; Brian'll beat up on me, but that's fine. He and I have disagreed before.

The Chair: How come you call everybody else "sir"?

Mr Pond: I don't call you "sir".

Mr Curling: It's his military upbringing.

Mr Pond: Moving right along, the next one is a recommendation by Mr Juriansz and Mr MacKillop, and it follows from the previous page's recommendation about the right to a hearing. They argue that it's simply impractical to give everybody a right to a hearing. A sort of a halfway house, if you like, would be to strengthen the pre-hearing conference procedure the commission is already using. The middle paragraph here explains the background to that particular recommendation.

Going to the commission response document on page 5, number 12, essentially what they're arguing is that they already do this to a greater degree than they used to. Under Ms Brown they are making greater use of the pre-hearing conference procedure, and they point out in their response, "Pre-hearing conferences on cases that have been referred to a board of inquiry are currently showing in excess of a 50% rate of success in resolving cases prior to the actual convening of the board of inquiry."

I should add, to be honest, the difference between what the commission is responding to and, if you look at the fine print here, what Mr Juriansz is saying halfway down this middle paragraph, "The investigating officer should have the power at this early stage to review the complaint, make a finding and issue an order," that would be a substantive increase in the power of commission staff at the pre-formal complaint stage, so what he's arguing is a significant difference from what the commission under Ms Brown is actually doing.

Mr Curling: I have no problems with that. I know it's a substantial change. The good thing about that is if any party's unhappy about that, like the complainant, they can then go to the complaint. In other words, you're right, it empowers the person at the lower standard, the standard below the commissioner, and the officer can make that decision. If the complainant isn't happy with that, then they can go up. But I think a lot of things could be settled at that level.

Mr Waters: My only concern is that I would want to make sure that the complainant—well, either party—could move forward, that if that decision is made there, there is an opportunity for either party to move forward with the case. One of the things a number of us commented on who have had dealings with the commission is the historic thing where they have basically played on off against the other and browbeaten both sides into submission. I would hope that when you have this, that isn't going to happen.

Mr Curling: It's there. "If either party were unhappy with the officer's finding and order, they could appeal to a board of inquiry directly."

Mr Waters: Okay.

Mr Pond: Mr Curling's quoted the relevant phrase. This would be a change in existing procedure whereby you go to the commission. Under this proposal, you could go directly to a board, so you're giving these pre-hearing investigating officers a lot of power under this recommendation. That's the gist of it.

Mr Curling: Remember, we spoke about the different commissioners before, how they are making those decisions? Let's say these officers have those powers. I think quite a few cases could be settled pretty early, and if any of the parties are unhappy, then it goes to the board of inquiry.

Mr Waters: But Mr Curling, I look at the experience, let's say, of the Workers' Compensation Board, where for some time your claims adjudicator had all this power. What ends up happening is that you end up with a larger backlog. I just don't know whether I want to give—and to be able to jump directly from there to a board of inquiry.

Mr Curling: If they're unhappy.

Mr Waters: We just said that we didn't want to do that at one stage, and now we're saying—

Mr Curling: No, we didn't say that. If some people want to bypass all the process and say, "I don't want to go through those middle processes; I want to go straight to the board of inquiry," we're saying that if it could be settled, and maybe both parties would agree it is settled, then that's fine. Then if any of the parties disagree, it goes to the board of inquiry. I'm saying they should take a look at that.

Mr Waters: My feeling is that I like the idea of the hearing. I'd like to endorse that. I just don't know whether I want to go as far as what this is saying, when you point out these two sentences. I really think you're giving an individual a very big chunk of power to wield a very heavy stick.

1150

Mr Curling: Let me tell you this: The officers have more information maybe than the board of inquiry. They have been living with this case, they've been interviewing all those people, and when they come to a conclusion, they have a full understanding of where it's going to go. They can make the settlement then and get the agony out of those people's lives early. Settle it, and if some people are unhappy about that, let it proceed, but I'm saying that the backlog and the wait is so long, because even when they reach that stage after years and they are not happy with it, then it goes on. Make an early settlement.

Mr Waters: This is a pre-hearing. This is very early on in the process. This isn't after years; this is very early on after a complaint has been filed. We just dealt with the fact that if it's frivolous or anything, the commission should have the right to dump it. I think that's taken care of there. I really don't think that I can support these two lines in here. Being a person who has been through this process within labour, you can resolve a lot of those types of pre-hearing things and you don't have to have that heavy stick. They don't have that stick. You don't need that.

Mr Curling: I don't want to belabour it. It's like

discoveries. Many of these cases go to court. Wives and husbands or separated people sit down and work it out, and sometimes it saves the court, saves the agony, because there are professional people sitting down making those decisions. I'm saying this could be done too, but again I don't want to belabour it.

Mr Waters: I'm not disagreeing with you. That is done without the power that is issued in those two sentences two thirds of the way down that paragraph. I believe that you can still do exactly what you're saying and eliminate those two sentences, which I think will be problematic and will not actually be proactive at all but in fact work in the opposite direction. What you will end up doing is that instead of people coming to an agreement, you're going to have people get their backs up and they're going to fight the case for ever, instead of sitting down and trying to come to some sort of agreement.

Mr Curling: What are we deciding? Are we prepared to endorse this recommendation or not?

Mr Pond: One way to change it, if you don't like the offending sentences, is simply to change the phrase "board of inquiry" to "commission." "If either party were unhappy with the officer's finding and order, they could appeal it to the commission," which would not require any change to the code. It does reflect something like the commission's current practice which is to give more power.

Mr Waters: I don't have any problem with them making an order as long as the person has the right to go back to the commission. To circumvent the rest of the process is a problem. If you were to change it to read that, I think we can live with that.

Mr Curling: It's not circumventing the process, because it's going through that process. We're not circumventing it. But again, as David said, if they want to appeal to the commission after that, that's fine.

Mr Pond: The next one is another of the major recommendations. Many witnesses pointed out that the backlog extends to the board of inquiry stage. We're now at the bottom of page 32 and the top of page 33.

Mr Juriansz, who is a practising lawyer in this field, recommended that essentially the time had come in Ontario, in the 1990s, where the board of inquiry under the code should be full-time and staffed by full-time professionals. As you know, right now the boards are part-time, ad hoc bodies. They meet when they're needed, when the board members can find the time in their schedules. His argument is that it's long past the time when, under the code, the board of inquiry should be a full-time institution. He draws a parallel with the Ontario Labour Relations Board which has, according to Mr Juriansz, 50 full-time adjudicators operating out of a bank of hearing rooms on their own premises.

The Chair: Or the Ontario Highway Transport Board that we had earlier this morning. It's kind of ironical that that's full-time and yet dealing with human rights isn't.

Mr Pond: Mr Juriansz argues the code's out of date at this point.

The Chair: That's not an opinion from the Chair; it's just an observation.

Mr Waters: I believe that what is going to happen, and I'm looking back in my notes, I believe that somewhere in my notes I have something on the fact that what they're looking at doing is bringing the Pay Equity Commission, the Human Rights Commission and the Employment Equity Commission and having full-time—

Mr Pond: No.

Mr Waters: These people would be crossed and that would be enough to keep them going full-time.

Mr Curling: It sounds like my speech. It sounds like what I was recommending about bringing the equity commissions together, but in this situation here, I fully agree we should have full-time members of the board.

Mr Pond: Sir, that is addressed in the last two paragraphs on page 41. What Ms Ziemba pointed out in her speaking notes, which are now going to be attached to the report, if you recall, was that the administrative infrastructure of the Pay Equity Hearings Tribunal, the boards of inquiry under the code and the new Employment Equity Tribunal, would be merged for various reasons, but that doesn't speak to this issue of whether the part-time, ad hoc boards under the code should become a full-time institution. She didn't address that in her speaking notes.

Ms Carter: We support this.

Mr Waters: But we support it.

Mr Pond: Pardon me?

Mr Waters: Because of all those things, I think we support that.

Ms Carter: Of course, there is an administrative merger going on.

Mr Pond: Yes.

Ms Carter: That should help with it too, the pay equity board of inquiry and Employment Equity Tribunal.

Mr Frankford: It seems to me that this recommendation for full-time boards is supported by the committee.

Mr Pond: Okay. The next one, the suggestion thrown out by Mr Lou Ronson, who is a former vice-chair of the commission, he argued that one way of dealing quickly with the backlog would be to establish sort of a separate panel. He calls it the equivalent of a Small Claims Court. This is the bottom of page 33. A separate panel would sit daily to adjudicate selected cases of lesser importance to the public interest, and that would be a way of bringing down the backlog fairly expeditiously. The tribunal would

sit, hear the evidence and make a decision. That was just his suggestion.

The Chair: I have a concern. We still have five recommendations to look at and the House is going to sit next week. I'm wondering whether you wish to try to complete these five today, or do you want to do it next Wednesday at the regular meeting of this committee.

Ms Carter: There's nothing already scheduled for that time?

Clerk of the Committee: No.

Ms Carter: It might be as well.

The Chair: It's taking more time than we anticipated. Next Wednesday, our regular Wednesday morning meeting because the House is still sitting next Wednesday; the date would be the June 15.

Mr Waters: I agree, Madam Chair. It's taking a bit more time than expected. One question I would have is, all that we've agreed to, in order to get this into the House, can we then agree that we—

The Chair: Yes.

Clerk of the Committee: With it going next week, you're not going to get it in the House. It'll be tabled when the House has recessed. Probably, I would think, by the time the translation is done and the printing, we're now looking at the first or the second week of July. It'll be tabled but not in the House. It'll be tabled with the Clerk, in that process. It won't wait until October.

The Chair: So we won't lose our jobs.

Mr Waters: Oh, okay. What you're saying is that we should pick up next week on page 33—

Mr Pond: Page 34.

Mr Waters: —with Mr Lou Ronson?

The Chair: That's right.

Mr Waters: Okay.

The Chair: You'd still like that wording sent to you ahead of time.

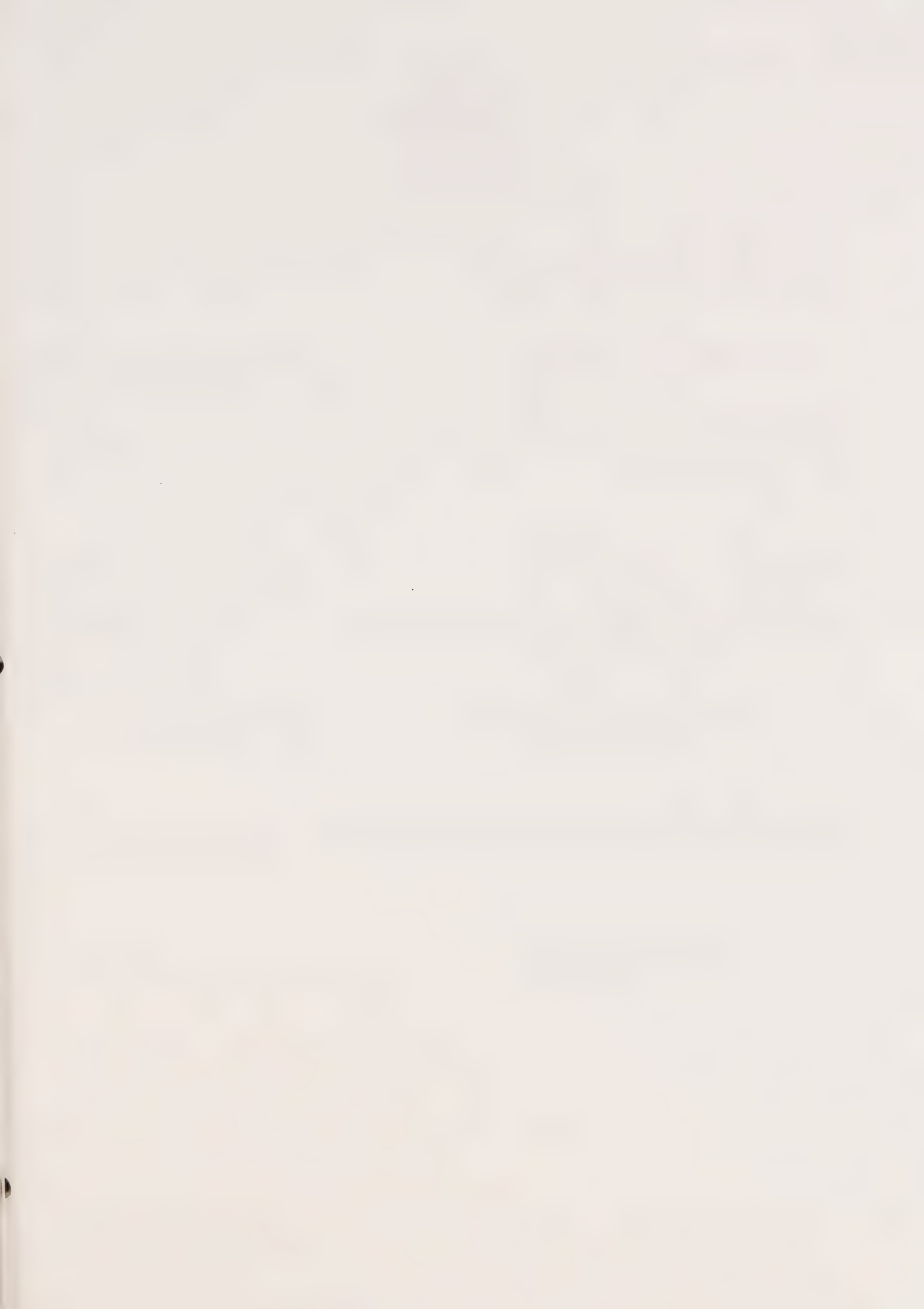
Mr Waters: Yes.

The Chair: Then you can just say next Wednesday whether you're happy or not.

Mr Pond: The usual way we do things. I'll rewrite this for next week's meeting.

The Chair: All right. There is going to be a subcommittee meeting and this meeting now stands adjourned until next Wednesday. Thank you for your attendance.

The committee adjourned at 1158.



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Fletcher, Derek (Guelph ND) for Mr Mammoliti

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Wednesday 15 June 1994

Journal des débats (Hansard)

Mercredi 15 juin 1994

**Standing committee on
government agencies**

**Comité permanent des
organismes gouvernementaux**

Draft report:
Ontario Human Rights Commission

Rapport préliminaire :
Commission ontarienne
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Wednesday 15 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mercredi 15 juin 1994

The committee met at 1006 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mrs Margaret Marland): The first order of business is the report of the subcommittee from last week, June 8, if someone would move approval of that.

Mr Daniel Waters (Muskoka-Georgian Bay): So moved.

The Chair: All in favour of that report? Carried.

DRAFT REPORT

ONTARIO HUMAN RIGHTS COMMISSION

The Chair: We will continue our consideration of the revised draft report of the Ontario Human Rights Commission. I think we have about five sections left to complete. There was the wording of one recommendation, Mr Pond, that we were going to approve today that we discussed last week, the one that was going to be circulated. We decided we would continue and deal with it today. I've forgotten which one that was.

Mr David Pond: When we get to that. There's one threshold issue we're going to have to deal with.

The Chair: Are we starting at the top of page 36?

Mr Pond: Yes.

The Chair: Top of 36 is where we are in the new printout.

Mr Pond: If I may, there's one threshold issue you might want to consider. On June 6, the government introduced Bill 175 in the House, which is the Statute Law Amendment Act (Government Management and Services), 1994, which, as you know, amends over 100 statutes. Essentially, it's an omnibus bill designed to make a lot of agencies, boards and commissions in Ontario more efficient.

One of the statutes amended is the Human Rights Code. A couple of the clauses in the bill touch on recommendations already approved by this committee. Specifically, Bill 175 would abolish the part-time boards of inquiry and replace them with a full-time standing board appointed by cabinet. As you know, that's one of the recommendations the committee made last week.

The Chair: You did move fast.

Mr Pond: Secondly, Bill 175 would grant the Human Rights Commission the discretion not to attempt a settlement in every case. Currently, they have to attempt a settlement. The bill would empower the cabinet to pass regulations detailing the criteria the commission would have to use in deciding whether or not to try to effect a settlement in a particular case. My suggestion very simply is that we incorporate references to the bill in the relevant

passages leading up to the recommendations, just to show that we're both up to date and that the government is seeing things the same way the committee is—rather facetiously. That's okay?

The Chair: I congratulate the government members between this week and last week for going back and getting Bill 175 drafted and introduced. That's excellent work.

Mr Waters: But definitely, I support what Mr Pond has suggested, that there is reference to the bill where it's apropos in our report so that people realize that indeed the committee is working and that we're not sitting here all by ourselves. Actually, at times, there have been people listening to us.

The Chair: That's excellent; that's truly remarkable. We just had a whisper filter out of here last Wednesday, and what day was the bill introduced? The next day?

Mr Pond: Early last week, I think.

The Chair: Before we discussed it, then.

Mr Pond: But I don't think it was distributed until after the meeting.

The Chair: Shall we stop at page 36?

Mr Pond: Picking up where we left off, I'm now working from the draft of the report you received on Monday, which includes all the recommendations you approved last week, in shaded ink, between pages 31 and the top of 36. So if you want to check the language you approved last week, it's in shaded ink, pages 31 to 36. Where we left off—

The Chair: Just before you go to where we left off, David, what was the one last week with the wording that for a while we were going to circulate for approval, and then when we realized we were coming back this week, we would look at it together?

Mr Pond: If you turn to page 31, which is where the shaded ink begins, I think, if memory serves me correctly—you can correct me if I'm wrong—recommendation 2 was one where you wanted to think about the wording carefully: "The commission should not deal with a complaint filed 12 months after the date of the alleged discrimination, except in exceptional circumstances when it decides at its discretion that injustice would otherwise result."

The Chair: That sounds good, doesn't it?

Mr Pond: I hope that's satisfactory.

The Chair: Jenny, you had a lot of input on the wording of that.

Interjections.

The Chair: Yes, you may, Mr Curling.

Mr Alvin Curling (Scarborough North): The first line here: "The committee agrees with the above. It notes that under Ms Brown, the commission is already invoking s. 34 more regularly"—I think she said she's going to put certain things in place in order that these things would happen. She said her plan is, whenever there are cases that come in, how they are being dealt with—

Mr Pond: In the future, you mean.

Mr Curling: In the future. She kind of gave us a futuristic view of the plan she's about to do. Then, I think if we do that, we would say—I can't say I agree with her that she's already invoking, because she said the plan was so new. So it's under that part.

I just wondered, though, if we can get into semantics. We say "is already invoking" and then we say, "The commission should invoke...more rigorously." It looks a little awkward, but I like the word "invoke."

Mr Pond: So if we put that second sentence on the top of 31, "It notes that," in the future tense, if you like, then the recommendation would make more sense.

Mr Curling: Yes.

The Chair: Is that okay?

Mr Curling: It's all right.

The Chair: Let's go then to the top of page 36, which is where we left off last week, the paragraph starting with "Lou Ronson." We actually had discussed it last week.

Mr Pond: Yes, we started in on this one.

The Chair: We just needed to know whether you want that wording of the recommendation numbered 5.

Mr Pond: Number 5, as you know, refers to the previous discussion on the full-time board of inquiry. Then we start in with Mr Ronson's recommendation, which is that essentially a panel of the commission be created to adjudicate selected cases of lesser importance to the public interest; hopefully, these being cases which would not consume scarce staff resources.

Essentially, his idea is that the complainant and the respondent would appear before this panel with the counsel they want, and then after hearing the evidence, the panel would have to make a very quick decision to dispose of the case.

Ms Jenny Carter (Peterborough): I guess we don't support that, because it would set up a process that's parallel to the current judicial system, and apparently the number of cases at the board of inquiry stage doesn't really qualify as a reason to set up another process.

The Chair: Is there a consensus that you don't wish to make a recommendation?

Mr Curling: This is the very top of 36, number 5 we're talking about.

The Chair: Actually, number 5 is the recommendation from the previous page. We're now into another matter. There isn't a recommendation worded there.

Mr Pond: I guess the only question is, if you don't want to make a recommendation at this point, whether you want to include these two paragraphs with an expla-

ation underneath of why you don't agree with it, or whether you'd like me just to eliminate the reference at all.

Mr Curling: May I just make a comment on Ms Carter's point? What has happened is that quite a few recommendations in this respect came before us. I wondered if you could ask just him to look at all these recommendations because it's floating that Lou Ronson had made a recommendation, Dr Ubale made one, and I think someone else made another one. All we can ask them, as this report comes to us and people made these recommendations, is that they could look at these recommendations and consider what direction they'd like to go. Some talk about full-time, some talk about—different recommendations. Instead of just dismissing it outright, just to say that this was before us and maybe they could take a look at it.

Mr Allan K. McLean (Simcoe East): I thought, when this individual was before the committee, that he made a lot of sense, and I thought it would cut down on the case loads that were there, maybe cut out some of the more frivolous claims that have been made. I would have thought that perhaps some form of an endorsement of this recommendation to deal with those lesser claims would be in order.

Mr Waters: I guess my feeling is, when you look at everything we have recommended in the report, the recommendations we have done, when you look at the new bill before the House that touches on it in certain aspects and when we talked also to the commissioner, all indications are that indeed they're moving to, shall we say, a more tightly run ship here. They indeed are streamlining the process while still keeping the ability for people to come in and have the personal touch.

I don't see the need for this. I just see what it does is that it parallels a process that is already being streamlined, so it becomes counterproductive when you do that.

I really think that, with the other recommendations, we should give those recommendations a chance. You can't go in both directions at the same time and expect the commission to be run in a more efficient manner. So my feeling is that I don't support it and I'm more than willing to put in a statement, if the committee so wishes, saying something to the effect that we believe there are enough efficiencies that have been put forward in this report to deal with Mr Ronson's concern. I don't mind doing that.

Mr McLean: That's up to you people. You do what you like. You've got the power; you're going to do it anyway. If you don't want to accept any of his recommendations, that's fine. Say so, tell us what you want put in there as wording, and let's move on.

The Chair: I'm at the wishes of the committee.

Mr Waters: As I said, I don't feel I can support this. If the committee wishes to put in something that says that we feel it's a parallel to the current system and therefore, with the efficiencies that have been requested throughout the report, we would like to give the revised system a chance before looking at Mr Ronson's recommendation, I can live with that.

Mr Curling: I couldn't endorse that. I don't think it's parallel to the current system. But you put in what you want.

The Chair: Well, we have an option of either having a recommendation, having a reference to what Mr Ronson's suggestion was, or an opinion of the committee in response to Mr Ronson's submission to the committee. So we need some wording. Or you can just leave the two paragraphs as Mr Pond has written them and add a sentence at the end that the committee decided not to take any action on the suggestion, or something like that. Is that right?

Mr Pond: Well, as Mr Waters just suggested, with the explanation he just outlined, that's no problem.

1020

The Chair: Is that a consensus of the committee then, that we do as Mr Waters has suggested? Well, there isn't a consensus, but—

Mr Waters: How be if I move my recommendation and then we can vote on it and move on?

Mr Curling: Can we just put in the written report that the Liberals had made this presentation, and without our making any recommendations at all just say, "This was presented to us and it's something that they should consider seriously"?

The Chair: We can leave the report with these two paragraphs as written in it, and Mr Waters would like to add that no action be taken on this recommendation at the moment until there's been time to observe the ongoing changes to the commission.

Mr Pond: That's slightly different.

The Chair: Sorry. You word it then.

Mr Pond: Mr Curling is saying we have the paragraphs and then we simply say at the bottom the committee makes no recommendation one way or another, and you're suggesting we actively explain why the committee doesn't agree with this recommendation.

Mr Curling: There are two different views.

Mr Pond: Yes.

Mr Curling: The problem I have, and we raised it before, is that the report that is out, the Cornish report, has not yet been formally responded to. If it was responded to, then some of these suggestions could say: "Listen, we already have something in place, so we're going in that direction. We don't want to act on this one." Because this is outstanding stuff and the minister has not formally responded to the Cornish report—I don't know what direction she's going—I would just say, "These recommendations were put forward," and they may also look at those.

Mr Waters: But if I might, indeed within the report there is a recommendation that as a committee we're sending to the minister to respond to Cornish.

Mr Curling: That's right, but that's only within the same report here. It has not yet been acted upon. So here comes right behind it another recommendation that says, "While you're considering all that, take a look at this one too."

Mr Waters: I guess what I'm saying, Mr Curling, is

that we can answer these two paragraphs in two ways, "No support at this time," or we can say, "No support, and these are the reasons why." I'm willing to be—

Mr Curling: I ask the guidance of the Chair to vote on it or let's move on.

Mr Waters: The one is quite direct, "No support at this time." The other one gives a bit of an indication as to the reasoning behind why we say "No support at this time."

The Chair: So your wording is what?

Mr Waters: No support at this time, due to the fact that the committee feels that it is a parallel process and the committee throughout the report has given the commission—I can't remember exactly what I said there—direction to indeed run a tighter ship or given them direction for efficiencies, and therefore we feel that it's dealt with adequately within the rest of the report.

The Chair: Okay. All in favour of that motion? Opposed, if any? That motion is carried.

All right, the role of community organizations.

Mr Pond: As you will recall, many witnesses argued that community advocacy groups should have a greater role in the disposition of complaints. In particular—now I'm on page 37—Karen Mock, who appeared with Mr Ronson, as well as CERA—and I don't mention that here—argued that community groups like theirs should have a more formal role in the actual investigation and disposition of complaints.

At the bottom of page 37, top of 38, Ms Mock gives her particular suggestions. Basically the idea is that community groups should be allowed to appear in their own right before the commission when it's investigating a complaint. Perhaps the commission should rely more on the documents gathered and the documentation assembled by the community group on behalf of a complainant. If you recall, CERA complained that often, when the commission does formally investigate a complaint, it simply duplicates the staff work already done by CERA on behalf of the complainant—this sort of argument.

If you turn to page 38, Rosemary Brown, in her second appearance before the committee, actually addressed this kind of approach towards the investigation of complaints. Just to quote here:

"She pointed out that community groups already work closely with the commission in the development of public policy." However, "She was more cautious about the notion of extending the influence of such groups with regard to the"—actual—"disposition of complaints. She pointed out that under the Human Rights Code, the commission has"—the sole—"responsibility for carrying complaints and that allowing advocacy groups to participate in the investigatory process might compromise the neutrality of the commission vis-à-vis complainants and respondents."

The argument is that under the code, the commission as you know has a monopoly over the investigation and disposition of complaints. Her fear was that if community groups, which inevitably have their own perspective on life, get more formally involved in the investigation and disposition stages, the perceived neutrality of the process

on the part of the respondents would be compromised.

Mrs Elizabeth Witmer (Waterloo North): I would support the concerns put forward by Ms Brown regarding the compromise of the neutrality of the commission, and I would not be able to support this recommendation.

The Chair: Anyone else?

Mr Waters: I think my concern with what Ms Mock is saying is that once again you end up getting into a situation where, if you go down that road, the individual who has a problem and wants to come before the commission as an individual face, without the support of a community group—once the commission starts moving into the community group, that individual person has more difficulty getting there and to get the hearing, because it becomes more and more of a legalized process instead of a caring organization.

I very much support that the community groups should be there in an advisory capacity with the commission, but I wouldn't want to get their powers to go much further beyond that at this point. I really think, and I said this last week, that the commission to me has a human face and a human feeling about it. People feel comfortable in going to the commission, hopefully, without a battery of lawyers or a community group or somebody to push that along. If you go down the road as Karen Mock suggests, I think you might lose some of that. So I would say to encourage community groups to be in an advisory capacity, but that would be it.

Mr Curling: My comment to this is that when the minister is looking at this recommendation, just to consider the Cornish report again, because within the Cornish report it asks for more community involvement. I think when she officially responds to the Cornish report one way or the other and where she wants to go, it will address this issue. I don't want to dismiss Karen Mock's suggestion outright, unless they are prepared to look at the Cornish report. Then if I make any comment one way or the other, it tells me I am to start to examine the Cornish report personally.

There are things in the Cornish report I don't agree with and there are things that I can support. This is one of them I have problems with; not that they're not efficient and not being able to do the job, but I don't know where the resources are going to come from, when you have community organizations, in order to fund them, to educate them, to train them and what have you.

Again, I don't want to get into that. I just want to say that the minister should immediately—that's why it's imperative that she address formally the Cornish report. In the meantime, having this before us again, because this presentation was made to us, then it would take care of the concerns that Karen Mock again put forward that are also similar to what's in the Cornish report.

Mr Waters: If I might, Mr Curling, your recommendation would be?

Mr Curling: I said my recommendation is to put this also forward, but when she's looking at the Cornish report—

Ms Carter: But we've dealt with that separately, haven't we?

Mr Curling: It is separate, I know it is separate, but the fact is it is again appearing here through Karen Mock, who stated that this is what they should be looking at in regard to supporting community organization.

I don't want to make comments on this, because I could say, "Yes, do this," but in the meantime I don't know what her response will be to the Cornish report. So I'm saying my recommendation is to maintain this in here and the recommendation basically is to incorporate this under the Cornish report and make our response accordingly. I make no other recommendation otherwise to support it or not, personally.

1030

Mr Waters: I guess what I'm saying is that I would like to see community groups encouraged in an advisory capacity and that at the same time I think one of the things we should be saying to the commission, and maybe this is another appropriate place to reinforce that, is that the commission should examine how to implement an effective public education and communications strategy with indeed the community, whether it be an individual or a community group. I think this might be a point within the report to reinforce that also, as we're giving direction to the commission. That would be my recommendation.

Ms Carter: If I might, we could recommend in there that in order to address the issue of access to information, whoever has gathered it, the Human Rights Commission should ensure that there is proper recording of information and that that is accessible to both the complainant and the respondent.

The Chair: Is there agreement?

Mr Curling: What did you want to—

The Chair: Did you agree with what Mr Waters and Ms Carter said?

Mr Curling: You're not supporting this recommendation; is that what you're saying? You won't be supporting that this be a recommendation?

Mr Waters: What I said, and I'll say it once again, hopefully as close to the same wording as possible, is that the Human Rights Commission initiate a strategy to use community groups in an advisory capacity and that indeed this, I think, would be an appropriate place also to reaffirm our feelings that the commission should examine how to implement an effective public education and communications strategy, to reinforce that to the commission, that we think there's some weakness there and indeed they should look at how they can do that better.

Mr Curling: By saying that, you're going to ignore Ms Brown's comment, then, that said that she's already working very closely with the community groups. So by saying that she must—

Mr Waters: I'm not saying that she isn't working very closely indeed with the community groups. I'm saying that in the case of the Human Rights Commission, as with a number of other commissions in the province that deal with people, and some very vulnerable people, that we can always strive to do better and that this would maybe be an appropriate place within the report to reinforce that once again.

Madam Chair, I would make a motion to that effect.

The Chair: Thank you. I was hoping you would do that.

All in favour of that motion? Opposed, if any? That motion is carried.

Structural changes.

Mr Pond: As you know, some of the witnesses argued that the basic problem here was a structural one; namely, that the commission was set up to adjudicate individual complaints as they were presented to the commission, but in many cases, the problems of discrimination are systemic. To give one example which Brian Shell of the Steelworkers put on the record, a victory at the commission for one complainant who had been denied a public parking spot because of his or her disability does not guarantee that public parking lots across the province will be redesigned to accommodate the needs of other Ontarians living with disabilities.

The argument here is that the adjudicative model, which is the heart of the commission, is an inadequate instrument for dealing with systemic problems. In that light, on the top of page 39 we have a couple of recommendations from witnesses who made this argument. Mary Eberts, for example, proposed that the commission should invest time and resources approaching industry groups sector by sector to persuade them to take responsibility for enforcing the code across their industry all at once, so to speak.

Secondly, the community group ARCH proposed, first, "that the commission's guidelines on the duty to accommodate should be turned into regulations"—we've dealt with that—but also that "the government should introduce an Ontarians with disabilities act which would set province-wide statutory standards for accommodating people living with disabilities." If that happens, so argued ARCH, individuals wouldn't need to file innumerable individual complaints alleging discrimination, because the problem would have been dealt with on a province-wide basis by law.

The Chair: Mr Malkowski would be interested in this because of his private member's bill. It fits in.

Mr Gary Malkowski (York East): That's right.

The Chair: I'm glad that you're here for this portion.

Mr Malkowski: Tomorrow morning I'll be introducing, and we'll have an opportunity to discuss, my private member's bill, the Ontarians with Disabilities Act, during members' business tomorrow morning. So we look forward to that.

Mr Curling: He doesn't want to lose his thunder now. He said he's going to put his thunder out tomorrow.

The Chair: I think that if there's agreement, and there seems to be, because you agree with this, Mr Curling, and the government members obviously would agree with this—I'm not leading the government members; I'm asking. So do you agree to make—

Ms Carter: We've got two points here, haven't we? The first one is "that the commission should invest time and resources approaching industry groups." That's the first bullet point there. There's no problem with that; we

can support that. Indeed, the more support that comes in enforcing human rights from employers or landlords, from prevention of the generating of complaints in the first place, that obviously is ideal. So I don't think there's any problem with that.

Then we have the second one. I think further consideration should be given to that by the Human Rights Commission in that it should do more policy research and so on as to what is the best way to go.

The Chair: One thing, though: If we were to have an Ontarians with disabilities act, for example, then it wouldn't mean that every single area would have to have its regulations to address those special needs. Those special needs would automatically be addressed in every area.

That would certainly facilitate the work of a body like the Human Rights Commission to start with, because it wouldn't have to go to the Education and Training ministry, for example, to look at what its act said about special needs. It would just be automatic that it would apply to every ministry.

Mr Waters: One of my concerns is that I think that government—and I'm talking about government in the broadest sense here, in a non-partisan, hopefully, way—has to go and start looking at things. We go out and we do housing as government and we go out and do education and all of that, and we have a number of advocacy groups that work on behalf of a number of disabled people in the province.

What I have found as I've travelled around—and I'll take housing as an issue; I think that we've done some wonderful things—but I think that we have to go back and start talking now to, indeed, the users of the system, the disabled people, before we start putting an act in place, as to how good a job we've done, where we've fallen down, where we've done the right thing.

When I look at housing, I look at the fact that the rules within the province for a disabled suite are so wide—well, they're non-existent, actually. You could have the situation where you have what is called a disabled apartment that still has a call box for an entry system on a wall in a hallway, and indeed if you are in a wheelchair or if you are deaf, it's no good to you. So I think we have to talk to the people we're trying to supply the service to.

1040

Indeed, we want to advance them into the mainstream; they want to be advanced into the mainstream. Talk to them in advance of coming down with the law. But I think there should be a definite move somehow by all governments to go and really do this and do it well.

A lot of people who are doing advocacy for the disabled are not disabled. They don't live with the problems and therefore they don't understand necessarily all of the little idiosyncracies and so on that these people have to live with on a day-to-day basis. The only way you're going to get that information is by talking to the disabled. So I would support the fact that we rethink this, maybe look at in a different direction and start going out and talking to the community.

The Chair: I don't think—

Mr Waters: I see the Chair looking for direction on this.

The Chair: No, I'm looking to see if anyone else wanted to speak. But I don't think there's any disagreement with these two recommendations.

Mr Waters: All I'm saying is that maybe we should direct the commission or someone, the commission and government in general, for some further consideration on these two points, because they are so vital and so important that unless we communicate directly with those people who need the service—I go back to housing. When you look at it and you—

The Chair: But if the government was to introduce an Ontario—here I am. This is what I don't like about being Chairman. I can't really—

Mr Waters: I know you want to talk.

The Chair: I can't really talk.

Mr Waters: I always give you licence, Margaret.

The Chair: The biggest problem with disabilities is that we've made some steps to recognizing the tremendous barriers there are for people with disabilities, but 80% or 90% of the population perceives disabilities as being physical in nature and things that they can look at me and know that I'm disabled because of whatever it is.

Mr Waters: Wheelchair-bound, to be exact.

The Chair: So many of the disabilities, you can't tell that I'm disabled by looking at me from across the room—not in fact until I open my mouth. I know you're going to say that, Dan—

Mr Waters: You put it on the record; I didn't.

The Chair: —so I said it for you. The thing is that if a government was to introduce an Ontarians with disabilities act, the background research that you're talking about in terms of, have we progressed the right way in terms of housing, in terms of physical barriers; are we going down the right road; are the amenities that we've already decreed should be there for people with disabilities in fact the right ones; are they the solutions that the disabled community wants now, knows that work, or need they be improved—but all of those things, all of that work would be done as part of developing an Ontarians with disabilities act. So I think that this would be addressed by the second bullet point.

Mr Waters: I've got no argument.

Mr Curling: I just want to say I agree with both of them.

The Chair: You agree with both of them. That's fine, thank you.

Mr Waters: I don't argue at all with your second point. On the first one—

The Chair: You don't argue with the first one either. Is that what you said?

Mr Waters: No, I'm saying that I don't think you're disabled.

The Chair: Thank you.

Mr Waters: But I guess what I'm saying is that because we're dealing with a community or a number of

communities that are just now finding their abilities and indeed the strength within their communities to come out and talk to us about their problems, to pass a law or a bill at this point without doing our homework properly could indeed be counterproductive. I really worry about that. I think over the last few years the disabled community has indeed advanced somewhat. The disabled people have a feeling within themselves of what they need and what's working and what isn't.

I think before we pass an act and then ask for a few people to come before government, it might make more sense to go out and do some sort of hearings or something around the province and get into not only Metro Toronto but get into the fact that in my communities we have very hit-and-miss transportation. How do disabled people get around my community? How do they get down the sidewalk in the winter with three feet of snow? How do you develop an apartment that not only works for a person in a wheelchair but works for a person who can walk but doesn't have the physical strength to open a 40-pound door or slide it or that the same apartment be easily adapted for a deaf person or a blind person, that there be things within that unit that deal with all of the disabilities that we indeed have within our society?

I think that if we take a bit of time—I'm not saying a large amount of time, and I don't want to delay the process unduly—and do it right the first time and introduce a bill that indeed reflects the needs of the community, then we'll have done them a just thing; if we don't, it could be very much an injustice.

The Chair: There's no disagreement with what you're saying, but we're getting a little bit off track, both you and I are, because we're both going down the track for the need of another act, and really what we're trying to deal with here is what tools the OHRC should have, obviously in response to what ARCH is saying the commission needs to do. There's no disagreement with the second bullet point, from what you're saying.

Ms Carter, you wanted to speak too.

Ms Carter: I think what I'm saying is really on the same lines, that things are moving in respect to rights for the disabled. I don't think we want to lay down anything very rigid here. The commission already has guidelines for accommodation requirements and so on and what constitutes undue hardship if there's a complaint, whereas the code develops standards pertaining to undue hardship.

I think it's worth mentioning that even if we did have an Ontarians with disabilities act, there would still be cases filed with the OHRC. So we wouldn't suddenly arrive at a point where all the problems were solved. But I think the point is that this is something that's in process, that the government is working on it, doing research and consulting with people with disabilities and so on, and the development of a regulation pertaining to what "undue hardship" actually is is something that's still under way. So I don't think we want to say anything too rigid here, so that as far as an act is concerned, we could say, "We'll just take that under advisement for now."

The Chair: I think obviously what ARCH is saying here is that the commission's guidelines should really be regulations under the code which would have the full

force of law. Doesn't the Ontario Human Rights Commission have the full force of the law by its own act?

Mr Pond: The commission enforces the code and has sort of a policy-making authority to issue what it considers to be the correct interpretation of the code; hence its guidelines.

1050

As you recall, earlier in the report, at a previous meeting, we recommended that these guidelines—Ms Carter said this—be turned into regulations so they're more specific and concrete for all the parties involved and have the force of law. So I think the first paragraph and the second bullet point we've disposed of, essentially, already with the previous recommendation, and then we follow with the Ontarians with disabilities act recommendation. So the first point I think we've already disposed of at a previous meeting.

The legal status of the guidelines is a matter of dispute among respondents. You'll get that argument every day of the week. So the guts of this recommendation is the second sentence, dealing with the passage of a statute.

The Chair: Okay. Do you want to recommend the second sentence in the second bullet then?

Mr Pond: That's essentially the guts at that point.

The Chair: "The government should introduce an Ontarians with disabilities act which would set province-wide statutory standards for accommodating people living with disabilities. This would forestall the need to file innumerable individual complaints with the commission alleging discrimination on the grounds of disability."

Ms Carter: I guess what we're saying is that a lot of the things we're doing anyway are working towards this end. It may be advisable to do that some time, but—

The Chair: But not now?

Ms Carter: Well, it may not be necessary.

The Chair: I'm not sure why having an act would forestall the need to file innumerable individual complaints, because if you have an act here and you want to make a claim, it's the act that gives you the power to make the complaint and the claim under the act. So I don't know how it's going to forestall them.

Mr Pond: I don't want to put words in the mouth of ARCH, and Mr Malkowski may want to talk to this, but I think the argument is, like anything else, if you set statutory standards and you assign a ministry the authority to enforce that, you're setting in place government machinery to compel—I would suspect it's probably employers—to comply with that. That becomes a matter of government policy, and sooner or later the relevant targets in the community will start complying with the law, as they would with any other law.

But you're quite right, Ms Carter: The notion that you pass this act today, then tomorrow you wouldn't have any more complaints, no, that's not going to happen.

Ms Carter: I guess I'm saying there are lots of things in place and it's a question of what the gaps are going to be when we've got the Advocacy Act, the building code, long-term care legislation coming through, and in any case there's the Human Rights Code. So it's just a

question of, what are the actual gaps as far as people being able to make claims that their rights have not been properly considered? Perhaps Gary has something to say about it.

Mr Malkowski: Yes, perhaps I'd just like to ask for some help with language. I am going to be introducing a private member's bill, as I said, tomorrow, and then hopefully, if there's agreement by the House, have it referred to a standing committee and be having public hearings. Then as a result of those public hearings, we'll have the disabled community coming to them and then hopefully a discussion paper which could be adopted by the government to introduce a government bill called the Ontarians with disabilities act. That is the goal of my introduction of a private member's bill, because it really is an educational process, and to allow the disabled community to be involved in it and to express their concerns and their opinions. I think the government, but also the public, will then watch the process and learn from it. I'm just not sure how we put what I've just said down on paper.

The Chair: Can you help?

Mr Pond: Well—

Mr Waters: Madam Chair, might I say that as the report doesn't fully examine what such an action entails, and indeed with Mr Malkowski introducing a bill that is going to give us a better understanding of where an Ontario disabilities act should be and what it should entail, maybe what we should do is take it under advisement and keep an eye on this issue as a committee. At any time, we as a committee have the right to draw this back and deal with it in the future. We seem to be getting hung up here on this one issue, and there is movement with Mr Malkowski introducing his bill in the House tomorrow.

I really think that rather than get hung up on this, what we should do is take it under advisement and move on, but at the same time qualify the advisement aspect, that indeed this is something that, as a committee, we feel strongly about and that we will be watching where the government and the Human Rights Commission move on this issue.

The Chair: There is one other aspect. We had agreed that we would have a report come back to the committee in six months and tell us how things are going and where they are, so maybe that timing will work in nicely. When we have the six-month review, we can look at what has happened and what is current.

Mr Waters: Six months in the life of us politicians—sometimes we forget exactly why we want things back. Might I suggest that somehow, when they return, this be flagged that this is one of the issues we wish to once again look at and see what has happened.

The Chair: We can keep that on record with the committee.

Mr Waters: And with that I would recommend that we accept that as a recommendation and move on to the next.

The Chair: You're accepting the wording of both of these then.

Mr Waters: No. What I'm saying is that indeed, in the second part, the report doesn't fully examine what the act is, and that in light of Mr Malkowski's bill that'll be in the House tomorrow, the committee should take all of this under advisement for review in six months when it comes back so that we can see whether we want to pursue this at that point or indeed whether it's coming along well on its own.

The Chair: The final wording of what you have just said, Dan, will be taken out of Hansard. If you will leave it with the researcher and me to confirm—I mean, we're telling you we'll take it out of Hansard, but you don't want that to come back to the committee again, do you?

Mr Waters: No, I don't want it necessarily to come back to the committee. It was just showing some direction, Madam Chair.

Mr Pond: The next point is really the last one. We're in the middle of page 39. As you will recall, many witnesses argued that a fundamental problem was that the commission plays too many roles. I'll just quote here from CERA's remarks, because it's the most succinct on this point.

"The Human Rights Commission, in our view, has been set up for failure. It's been given far too many roles to play at the same time. We cannot expect a government bureaucracy to provide good advice to rights claimants and respondents and at the same time, initiate and prepare all human rights complaints...investigate these complaints, mediate and settle them, determine whether they warrant a hearing, litigate them before boards and in courts, and control public education and action on all issues of systemic discrimination in the province."

A number of witnesses gave concrete examples of where they felt human rights staff play too many roles. I'm on the top of page 40. CERA, for example, argued, and CERA wasn't the only witness who argued this, "that investigators with a mandate to 'kill files,'" to use their phrase, "sometimes pressured complainants to accept" what complainants deemed to be "unsatisfactory settlements." Other witnesses, some of the employer lawyers, for example, argued "that the legal support the commission offered complainants at the board of inquiry stage"—essentially, unwittingly perhaps—"reflected an organizational bias against respondents," since complainants' legal costs in essence are being funded by the commission. Respondents have to pay their own legal costs at the board of inquiry stage. They suggested that this sometimes results in the phenomenon known as "nuisance settlements," whereby respondents essentially offer money to the complainants. Some of the respondents argued that this was put to them directly by commission staff, such that the complaint would "go away."

Malcolm MacKillop, a lawyer who appeared before the committee, argued there was an inherent conflict of interest when a commission officer performs both the role of mediator and then formal investigator. He suggested that these two roles should be separated.

1100

That's the general argument. You probably recall we heard from a number of witnesses that, and we come

back to Mr Curling's theme, this problem, if it is a problem—I'm not taking a position, obviously—would be addressed by the Cornish report, which would create separate organizations dealing with different aspects of human rights investigations and adjudication.

Following here we have two bullet points which sum up specific recommendations made in this general area. Mr Juriansz—this is something we talked about earlier—suggested that perhaps we shouldn't have part-time commissioners at all. We've already dealt with that issue. But he also suggested perhaps we don't need commissioners. He argued that: "The position of full-time chief commissioner should be retained, with the power to delegate responsibilities to the full-time professional staff. In particular, the power to decide which cases should be referred to boards of inquiry should be made by the commission's lawyers."

He argued that that was basically a legal decision, and therefore the lawyers should make that decision formally. He suggested in his testimony, and I mentioned this at a previous meeting, that commissioners relied on what the staff told them. This would sort of formalize that relationship.

Dr Ubale, a former member of both the Human Rights Commission here and the federal Human Rights Commission, argues that "regional human rights commissions be set up around the province to handle complaints filed under the code," and that this reform would free the commission itself to concentrate on the broader issue of systemic discrimination. It's not mentioned here, but essentially what he's recommending is the British system of employment appeal tribunals. In Britain, these tribunals hear all employment-related discrimination cases. Then you have a central body called the Commission on Racial Equality, CORE, which handles the systemic discrimination issues. So there you have it.

I might add just one point. To go back to the first bullet point, where Mr Juriansz recommends that the full-time chief commissioner should have "the power to delegate responsibilities to the full-time professional staff," Bill 175 would empower the commissioner to delegate more responsibilities to staff in certain circumstances. The bill doesn't necessarily direct itself to this particular recommendation by Mr Juriansz, but it would give the commissioner more delegation powers.

Just to make it easier for you, essentially what you're dealing with here is another one of these major recommendations which would require substantive amendments to the code. This is not an administrative recommendation. But if you're going to adopt this essential argument that the commission plays too many roles, you're requiring that the code be very substantively amended. Just so that you understand that.

Mr Curling: I wanted to comment on this. As Mr Pond said, it is quite a major change and it's something that's already been somehow approached in the Cornish report. Unless somehow there are some indications or some response from the minister on the Cornish report, then one could further recommend what direction it should go. But we cannot ignore the fact that it is placed before us quite often about the many and various roles

that the Human Rights Commission plays, which is almost conflicting to what would be seen to be fair to deal with all the cases and try to be all things to the cause.

It has to be addressed and we have to look at it very, very seriously. As you said, in here it says most of the people, when they phone the Human Rights Commission, are looking for, as one party puts it, good advice and what direction to go and how they should deal with a situation in their workplace or wherever the human rights discrimination occurred. On the other hand, how are they to investigate complaints and how are they to mediate complaints and settle complaints?

They are playing these two roles, and it's something that will not go away. Again, as I said, if the minister can respond to the Cornish report, we know exactly where the government is going and wants to go with the Human Rights Commission—and I'm not saying that in a partisan way, because each person has their own approach in how to address human rights complaints—and then we're able to respond to this suggestion.

I do feel that it's one of the most important suggestions or recommendations—I would say a suggestion, really, because they did not make any recommendations here—but speaking somehow to that recommendation, because Dr Ubale's response did not solve the problem in any way. It may spread the work out and leave that cluster at head office but more or less regionalize it, and each commissioner would deal with it accordingly.

Again, the Human Rights Commission is asked to play all those roles. It may help the backlog at one place and be able to deal with it regionally, but again, it will not solve the problem where they are asked to be seen in many roles. It's something we must address with urgency.

Ms Carter: First of all, in reference to the first paragraph on page 40, I think the statements made by the chief commissioner were relevant here, that she has set in motion staff development and training within the commission. I think that this is the key here, that as long as training initiatives include making sure that employees of the commission have sensitivity training on racial and cultural bias, disability issues, labour union issues, things of that kind, this is at least one way in which those problems can be overcome. Maybe we should allow time for this process to occur, and then there will be a judgement to be made after a little while as to whether that has made the difference that is needed here.

As far as the two bullet points go, "the power to decide which cases should be referred to boards of inquiry should be made by the commission's lawyers," I think we can't support that. I think that's a decision that commissioners have to make.

The second one, that "regional human rights commissions be set up around the province to handle complaints filed under the code," I think again the answer to that is no.

There will in fact be one standing tribunal, I think, by the time the different tribunals have come together, and that is going to be the best vehicle for making sure that human rights are observed over Ontario, including, of course, the systemic approach.

Mr McLean: Are they recommending endorsing one of these proposals or not?

Ms Carter: I'm saying no to both of the bullet points on page 40.

Mr McLean: Okay. Next.

The Chair: What about the question above that about who is making the settlements and who is doing the negotiations? We haven't really addressed the fact that we have investigators, negotiators, mediators and final settlement people who are all the same.

1110

Mr Waters: One of the things that I found in my past life before being an MPP, and indeed in this life, is that this seems to be the norm within the province for most commissions, whether you're dealing with WCB, the Ontario Labour Relations Act, the Employment Standards Act; it doesn't matter which one. I would hope that with staff development and training our people are trained sufficiently to deal with that at the Human Rights Commission.

I think the biggest change at the Human Rights Commission when it comes to that, and why I would say that I don't see any problem with it, is the fact that finally the Human Rights Commission, over the last couple of years, is starting to look at precedent. When you come to the Ontario Labour Relations Act or grievance procedure, or whatever, you always look at precedent. Historically, the Human Rights Commission did not. Each case stood totally on its own and no one looked at how a similar case or an exact same case had been handled before and what the outcome was.

A couple of years ago, the commission started looking at and indeed enacted the ability to keep finished cases on file and that you would look at the precedent set in those cases. I think that is probably the most proactive thing they've done in these types of things, so that indeed people going in know some idea as to where this case is going or how to move the yardsticks. I can't see why we would change anything. I think that what we should do is, once again, keep an eye on it, but it is the norm of the way government agencies and commissions work around the province.

Mr Curling: Don't tempt me, Dan.

Mr Waters: I see you smiling all the time.

The Chair: I think everybody understands the problems in this area, obviously. We simply need to know, for the purposes of this report, what you want the report to say. Do you want to leave the comments that are here in it? Does the committee want to make a recommendation or do you want to leave a comment on the facts that are preceding?

Mr Curling: The comment I want to make, and I don't want to make any other statement because I want to move on, is that it must be addressed. No matter how you dress it up, Dan, the fact is that the Human Rights Commission plays many roles and people don't see it as the initiator, the investigator, the judge, the jury and everything.

The fact is that these are the comments that are made, and I don't think anything they've done has addressed

that. If it could remain to say that this aspect of the Human Rights Commission must be addressed. I don't want to make any repetition. All I'm going to say is it must be addressed whether or not you take bullet point 1 or bullet point 2 or another one, but it has to be addressed.

It was raised over and over and over. We can't ignore it. People are saying, "No other groups do that."

Mr Waters: Yes, there is.

Mr Curling: No, no. If you have the Workers' Compensation, they represent workers, but here it represents all sides of the issue, and people are saying we have to look at this because we can't be all things to all people in one commission.

Mr Waters: But indeed the WCB does represent all sides of the issue. Go before them and you'll find that out.

The Chair: So you don't wish to make the comment on the paragraph on the top of page 40.

Mr Waters: I think that if I was to make a comment or a response, what I would suggest is that we encourage even more training and staff development to be sensitive to the problems that we see in race and cultural bias and improving the staff knowledge on disability issues. I really think that this is what we have to do. We have a staff. We've given them a number of things within this report to change the direction or to at least be more sensitive to people. Let's give it an opportunity to work. If you keep going the other way, you're going to end up with a judicial system. I'm opposed to a judicial system that isn't user-friendly.

The Chair: But, Dan, what we need is a sentence in here, if you're going to make a comment, or do you want to leave it to David to extract from your Hansard comments?

Mr Waters: Yes.

Ms Carter: Say that the chief commissioner has

already instituted a training program, so perhaps we should see what the outcome of this is going to be.

The Chair: Mr Pond will extract from Hansard to incorporate your comments following—

Mr Pond: The first paragraph.

The Chair: —the first paragraph on the top of page 40. I gather that the next two are recommendations you don't want to take any action on, that you don't support.

Mr Pond: Should I leave them in or just eliminate them?

The Chair: Would you like them left in the report and simply say that the committee does not support those two recommendations, so at least they're reported, or do you want them removed?

Mr Curling: Stay in the report.

Mr Waters: Okay.

The Chair: All right, they'll stay in the report, and just say the recommendations are not supported by the committee.

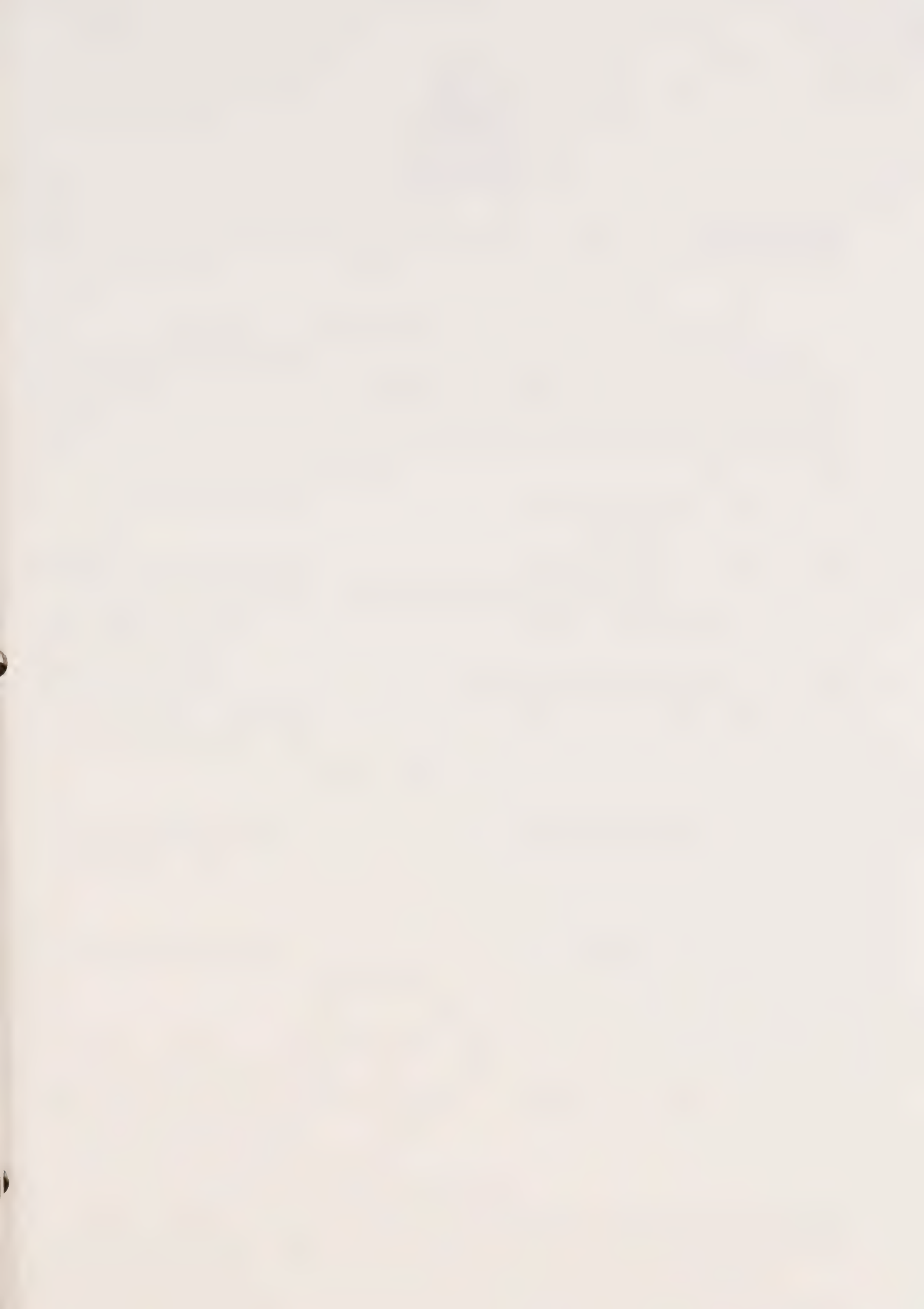
That is the completion. I think there are really only two areas that have to be rewritten. Is there agreement that this report then will go to be translated? Is there a motion? Mr Waters has a motion; great.

Mr Waters: I move that the three reports be adopted and sent for translation and printing, including responses to the last report of the committee and, upon receipt of the printed report, that it be tabled in the House pursuant to standing order 37(d) requesting a response from the government within 120 days.

The Chair: Excellent. All in favour of that motion? Opposed, if any? That motion is carried.

That is the end of the business of the whole committee this morning, and we will move into a subcommittee meeting. We'll see the whole committee next Wednesday morning. Thank you for your attendance this morning.

The committee adjourned at 1118.



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Hansen, Ron (Lincoln ND) for Mr Mammoliti

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Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 22 June 1994

**Journal
des débats
(Hansard)**

Mercredi 22 juin 1994

**Standing committee on
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Intended appointments

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Nominations prévues

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 22 June 1994

Mercredi 22 juin 1994

The committee met at 1001 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mrs Margaret Marland): Good morning. The first order of business this morning is to approve the subcommittee report of June 15. Thank you. My ever-reliable Mr Waters so moves. All in favour of that motion of the approval of the subcommittee report? Carried.

INTENDED APPOINTMENTS

The Chair: The first reviewed appointment this morning is a selection by the third party, Ms Shirley Robinson.

SHIRLEY ROBINSON

Review of intended appointment, selected by the third party: Shirley Robinson, intended appointee as member, Hamilton-Wentworth Housing Authority.

The Chair: Good morning. Welcome to the committee, Ms Robinson. We go in rotation around the committee for questions. If you wish to make a very brief opening statement, you may, or just a couple of comments. If not, we can start right into the questions.

Ms Shirley Robinson: No, go right ahead.

Mr Allan K. McLean (Simcoe East): Welcome to the committee this morning. Have you been involved in the housing authority in Hamilton-Wentworth? Are you familiar with the workings of it?

Ms Robinson: Yes, I have. I've attended some of the meetings as an observer and have been on the Planning Together committee.

Mr McLean: You're not a tenant of one—you are?

Ms Robinson: I'm a tenant in a seniors' apartment.

Mr McLean: How many different housing units are there in the regional municipality?

Ms Robinson: How many different?

Mr McLean: How many different housing units are you aware of that there are within that?

Ms Robinson: There's the family, the handicapped and the seniors.

Mr McLean: But are you familiar with the number of units that you would be having the jurisdiction over?

Ms Robinson: No, I'm not.

Mr McLean: Is it managed by one group or is each unit managed by itself?

Ms Robinson: Each unit—

Mr McLean: I guess some housing authorities have what they call a management group that they hire to look after and oversee the operation and maintenance of them. Are you familiar with that?

Ms Robinson: Yes.

Mr McLean: The nine positions on the authority, there's two vacant and you're going to be filling one of them, I understand. The authority, I understand, has 95 employees?

Ms Robinson: Approximately 100, yes.

Mr McLean: A pretty large authority. Why did you want to get on this housing authority?

Ms Robinson: I got interested in it through the Planning Together committees. I worked with the staff on some of the committees and got to know them. I would like to know more about it, especially the supportive housing.

Mr McLean: Who makes the decisions with regard to priority lists? I know there's a priority list and we often get calls from people who are upset because they can't get in.

Ms Robinson: We have a central registry in Hamilton. It's a first and it's on the point system.

Mr McLean: How many would be on the waiting list? Any idea?

Ms Robinson: I'm not sure, but I think there are quite a few.

Mr McLean: There would be hundreds, probably.

Ms Robinson: Yes.

Mr McLean: I had a case not long ago where an individual was in a housing complex and the mother needed a place to live. She came to live with the daughter and the granddaughter and tried to find a place of her own within the complex and they wouldn't allow her in. I guess it's frustrating for some people who are looking for a place and realize how great they are to a great many people and yet they can't get in. It really is difficult. What should we say to those people? I don't know. It's frustrating, I would think.

Ms Robinson: It shows that there is a need for the housing that people are willing to try something like that in order to get into the housing.

Mr McLean: Anyhow, I wish you well. Enjoy it.

Ms Margaret H. Harrington (Niagara Falls): Thank you very much for coming this morning all the way from Hamilton. Are you in Hamilton city or outside the city?

Ms Robinson: I'm in the city, in a seniors' apartment.

Ms Harrington: Downtown?

Ms Robinson: No, on the mountain.

Ms Harrington: I'm from Niagara Falls and I have been a little bit involved in trying to see how our local

Planning Together process has been working. Certainly, it has been difficult in a lot of places.

I want to first of all ask you about your role as a tenant representative. How do you feel that you're going to have an impact on the board? Do you feel it's just to bring the concerns of the tenants forward? How do you see yourself fitting in with the rest of the board?

Ms Robinson: I think I can bring a lot of concerns, because I have lived in the family when my children were small and now I'm in the seniors', so I have perspective from both age groups.

Ms Harrington: It's basically bringing forward the concerns of the people who live in housing across Hamilton. Do you feel you would probably go out and visit some of the different units across the city?

Ms Robinson: Yes, I have through the Planning Together committees. I was on the safety and security and I did visit all the units in Hamilton—the seniors' and the family areas.

Ms Harrington: I know in some areas it is difficult for tenants to sit on the board with people who have been there a long time, five or 10 years maybe, who are not tenants and to be able to speak out. You don't feel you'll have any difficulty in that regard?

Ms Robinson: No, I've seen a big difference in the staff relationship with the tenants since I was in the family. They were up there and we were down here, where now we can talk to them like friends. We're on a first-name basis. I went to some of the meetings as an observer and they made me more than welcome. I didn't feel out of place at all.

Ms Harrington: So you wouldn't hesitate to speak out on whatever decisions were being made.

Ms Robinson: No.

Ms Harrington: Great. The other question that I wanted to ask you is, what do you feel is the most important accomplishment that has happened so far with regard to Planning Together?

Ms Robinson: A lot of the committees have stayed together and they're working together, which I think is good, because sometimes you hear that housing and tenants are going to work together and nothing happens; it's just a lot of meetings and nothing actually happens. But we've seen some changes.

Ms Harrington: In things like safety and security or in, say, different rules for how tenants maybe are moving from one unit to another? What kinds of areas have you seen changes in?

Ms Robinson: The safety and security. We've been able to have changes made there; for instance, more lighting and access to the building from the parking lot. Some of the buildings only had one entrance and you had to walk through the parking lot to the front of the building. We feel safer getting into the building sooner from the parking lot.

1010

Ms Harrington: Have you found that there's any difference in the attitude of the people who live there, that they feel more like they can have their say?

Ms Robinson: Yes, because the housing staff have made themselves more visible. They come visit us more often. They've come in for teas. We have a tea three times a week and they just drop in and sit and talk with the tenants. It's really good.

Ms Harrington: That's great. I know it takes a long time and it's difficult to change attitudes and ways of doing things, but please keep at it. Thank you very much, Mrs Robinson.

Ms Jenny Carter (Peterborough): Welcome to this committee. I have a special interest in seniors because I work with the Ministry of Citizenship. I see that you say that your special interest is helping to bring services to seniors in their homes, enabling them to live independently, and that's exactly what we're trying to do with our long-term care bill that's coming forward soon, as I'm sure you know. Of course we're putting more funding into things like integrated home care services and so on. So I'm just wondering if you could tell us something about what is happening in that direction and what you hope to be able to contribute to that.

Ms Robinson: The coordinator for homemakers has just started in our building a month ago, and so far it's really working well. We're having our first luncheon next Monday and we've got lots of volunteers. They're really anxious to keep this going.

Ms Carter: What other services do you see as helping seniors to stay independent?

Ms Robinson: Besides the homemaking?

Ms Carter: Yes.

Ms Robinson: We have the nurse come and we have volunteers for the Meals on Wheels. I'm on our social committee in our building, I'm president, and we have a lot of social activities, bus trips and dinners and just get-togethers.

Ms Carter: So a lot of that's in place already and it's just to make sure that it works well. Somebody in my riding was telling me that sometimes homemakers have a bad attitude to the person they're serving and are patronizing towards them. Are you aware of any problem like that?

Ms Robinson: No, I haven't heard anything like that in our building.

Ms Carter: Okay. What do you think about the plan that Evelyn Gigantes has brought out, Planning Together: Improving the Quality of Life in Public Housing? Do you think it's on the right lines and will make a difference?

Ms Robinson: Yes, I do.

Ms Carter: I guess there are certain things that are set out that tenants should concern themselves with in that. Are you aware of those points?

Ms Robinson: Not all of them, no.

Ms Carter: But I'm sure you will become so.

Just as a matter of interest, do you think it's a good idea for seniors to all be together in one building or do you think it's better if buildings are a little bit mixed?

Ms Robinson: No, I think they're better all together, really.

Ms Carter: Why? Because it makes it easier to organize things?

Ms Robinson: It's easier to organize the social activities, yes, because they all have the same interests.

Ms Carter: So you see the tenants as being quite a cohesive group that plan things together and have events and so on.

Ms Robinson: Yes. In our building we have young seniors and we have seniors who have been in the building for 18 years. One lady's 90 years old and she said to me the other day, "It's you girls that keep us going." We feel like teenagers with them because we're 10 or 15 years younger than they are, but they really enjoy us.

Ms Carter: So it's like a big family.

Ms Robinson: Yes.

Ms Carter: There's also this organization now that's encouraging intergenerational contacts. For example, a group of seniors might have a link with a class in a primary school and maybe particular kids would be linked with a particular senior.

Ms Robinson: Yes. They did that in one in the James Street North area. They had the teenagers come over and they moved the stoves and fridges for all the seniors, and cleaned behind them and put them out. The seniors were like grandparents. They had pop and chips and things for the kids. So they really enjoyed doing that.

Ms Carter: So you see that as a good way to go, encouraging that kind of thing.

Ms Robinson: I was thinking about getting it for our building too, because we need our fridges and stoves pulled out.

Ms Carter: Once you start thinking about intergenerational contacts, there are all kinds of things that can happen. That's one of them. People can be standing grandparents perhaps for kids who don't have any and let them get to know an older person and know what they're like.

Ms Robinson: We had an offer of teenagers from gerontology at McMaster to come and serve some of the dinners for us. That gets the teenagers involved with the seniors too.

Ms Carter: Okay. Thank you very much.

Mr John C. Cleary (Cornwall): Welcome to the committee, Ms Robinson. I was just wondering—my colleague there started on it—how many points are you housing at now in your housing authority? How many points do you need to get in?

Ms Robinson: I think it's 200.

Mr Cleary: Is that right?

Ms Robinson: I think so. I'm not sure, because they didn't tell me how many points I had, but I think that's what it is.

Mr Cleary: If someone applies, he needs 200 points to get in? Is that your idea?

Ms Robinson: That's what I've heard. I'm not really sure on that.

Mr Cleary: Some of the things I hear different comments on now: Some of the rules are being changed in the housing authorities. I've also heard from some seniors that you're going to have to pay for your parking now. Is that the case in your area?

Ms Robinson: I haven't heard anything about paying for parking.

Mr Cleary: How many different buildings did you say your authority would be looking after?

Ms Robinson: There are about four seniors' buildings and then there are all the family units.

Mr Cleary: And the average size of those units would be how many tenants in each?

Ms Robinson: About 250 apartments in each building.

Mr Cleary: The other thing we hear a lot about in some of the larger areas is discrimination, racism and harassment. Do you have any problems like that in your housing authorities?

Ms Robinson: I have heard of some in the family units. They do have a discrimination and harassment committee. So they have had some.

Mr Cleary: But you don't have that in the seniors?

Ms Robinson: Not that I know of, no.

Mr Cleary: Are you responsible in your appointment for the family units too?

Ms Robinson: Yes.

Mr Cleary: What is the committee's plan on this discrimination, racism and harassment? How do you plan to handle that to educate so it doesn't get out of hand?

Ms Robinson: I haven't been involved in the discrimination and harassment committee, so I don't know too much about that, but I know they do have a lot of social activities for them.

Mr Cleary: Speaking for a moment of the part of Ontario I come from, we get a number of calls that the way the hallways are—that the air-conditioners are shut off from time to time. Do you have a problem with that?

Ms Robinson: Yes, I think so. Our hallways are quite hot.

Mr Cleary: Some of the seniors who have called me have taken weak spells or fainted. At your authority, are they on timers? Do they just run at certain times? Do you know that?

Ms Robinson: That's what I was told, that they are on timers, but I haven't really delved into it. But after last week, I want to find out more about it, because it has been stifling in our hallways.

Mr Cleary: So you've had the problem too there. I'm not glad to hear that, but I know in our area it's a big complaint. I'm very concerned that someone would pass out. Anyway, I guess those are all my questions. Thanks.

The Chair: Thank you, Ms Robinson, for your appearance before the committee this morning.

Ms Robinson: Thank you.

JANICE SANDOMIRSKY

Review of intended appointment selected by official opposition party: Janice Sandomirsky, intended appointee as deputy residing officer, Pay Equity Hearings Tribunal.

The Chair: Our next appointment is Ms Janice Sandomirsky. We are a little early, but we're moving right along. I take my direction from the government whip.

Mr Daniel Waters (Muskoka-Georgian Bay): It appears that our next witness has just nicely walked in the room. Maybe we could call a couple of minutes' recess just so that she could get comfortable. It's up to the witness.

Ms Janice Sandomirsky: I'm fine.

Mr Waters: You're fine? Then it's in your hands, Madam Chair.

The Chair: Good morning, Ms Sandomirsky. We appreciate your being early because, for once, we are. Am I pronouncing your name correctly?

Ms Sandomirsky: Sandomirsky.

The Chair: If you wish, you may make a brief opening statement to the committee, or if not, it's not necessary. We can just start with questions from the official opposition party.

Mr Cleary: Madam Chair, I wonder if I could stand ours down. My colleague to my right here is the one who had the questions for this lady.

The Chair: Certainly.

Mr Cleary: I know he's about somewhere. If not, when it comes my turn, I'll do it.

The Chair: That's fine. We started with the third party last time, so is it agreeable to start with the government?

Mr McLean: I'd be pleased to start.

The Chair: Okay. Fine, then. Mr McLean.

Mr McLean: I haven't got many questions because—welcome to the committee. When I reviewed some of the correspondence I received, I see you're a cross-appointment.

Ms Sandomirsky: Yes.

Mr McLean: You're now working for the WCB?

Ms Sandomirsky: The Workers' Compensation Appeals Tribunal.

Mr McLean: Yes. How long have you been doing that? For about six years, is it?

Ms Sandomirsky: I've been an order-in-council appointment for four years now. This is the first year of my second term as a vice-chair there.

Mr McLean: Do you work as a tribunal on hearings?

Ms Sandomirsky: Yes.

Mr McLean: Will this be now much the same procedure?

Ms Sandomirsky: Yes. I'll be the vice-chair on a panel that hears the cases under the Pay Equity Act.

Mr McLean: Right. I also observe that you're not getting any salary. Your other salary's just carrying on and you're going to be happy doing both?

Ms Sandomirsky: Yes.

Mr McLean: I wish you well.

Ms Sandomirsky: Thank you.

Mr Waters: I too don't have a lot of questions, because we have had other people before who are part of this pilot project, and every so often we call someone in and we don't realize that they're part of the pilot project or the cross-appointment. But I was wondering: There has been some experience now, I believe. You're not the first; there are some others. Do we have any idea how it's working or have we had any experience rating on the cross-appointments?

Ms Sandomirsky: As I understand it, there hasn't been any actual hearing scheduled for the cross-appointments. That's starting in the fall, or in the summer. All the appointments haven't been approved, so I don't think there has been any experience to date about the hearing process.

Mr Waters: I think the idea is a great idea. I just sometimes worry about burnout of the people whom we are getting more work out of, and I was wondering about that. But your background shows that you have been with WCB for quite some time. You started away back in BC—

Ms Sandomirsky: Yes.

Mr Waters: —with their workers' compensation, so you have a long career of working indeed with injured workers, or with tribunals etc.

The only other thing that I would be curious about is, do you see that there are any changes in the way that the tribunals are working? For quite a while it seemed—and I know I'm off topic because I'm talking now about WCAT—but there seemed to be, shall we say, at the least a great debate about whether WCAT really worked or didn't work, whether it was just more bureaucracy. From what I've known in the last couple of years, WCAT indeed has come into its own and is starting to do the job that was intended. I was wondering if you could give us an opinion on that from your perspective.

Ms Sandomirsky: The Workers' Compensation Appeals Tribunal has been in place since 1985, so it is rather a new tribunal, but it seems from my perspective, which is just as a vice-chair, that it's been well accepted in the community and it's a very effective tribunal.

Mr Waters: I would have no other questions of you at this point in time. I just wish you well and I hope that we don't burn you out. You've done an excellent job up till now for the government and for WCB, so I wish you well. So if there's anyone else—

The Chair: Thank you. Are there any other questions?

Ms Carter: Could we just clarify? Are you going to be receiving any extra pay for your work at the pay equity appeals tribunal?

Ms Sandomirsky: No, I will not be. The arrangement will be that there will be time given to me by the Workers' Compensation Appeals Tribunal so that I can spend that time doing hearings at the pay equity tribunal, but there will be no pay for the time that I spend there.

Ms Carter: So your workload won't actually be increased; it will just be differently allocated?

Ms Sandomirsky: Well, we'll see.

Ms Carter: How do you feel the duties that you've been doing at WCAT prepare you for the pay equity side of it?

Ms Sandomirsky: I have been chairing hearings now for the past four years, and I think that will have given me a lot of experience in chairing hearings at another tribunal and writing decisions and adjudicating on issues that are dissimilar but in many ways the same.

Ms Carter: So you'll need a rather wider field of expertise?

Ms Sandomirsky: I think the expertise in adjudicating is there. I think it's just the substantive information about the provisions of the act, which is something that I will spend my time training for.

Ms Carter: Okay. Thanks.

Mr Alvin Curling (Scarborough North): Thank you for coming before us. This morning, I presume you heard the release that women are more or less catching up. They say they're comparative to the pay of men but still lag behind by about a \$9,000 discrepancy, which is still quite a shame to know, comparatively speaking, that women who are doing the work are still being underpaid. How do you feel about the fact? Is it moving fast enough, do you feel, or are there things that you feel as a suggestion could be made to moving women in getting comparative pay to men of similar jobs?

Ms Sandomirsky: As I understand it, there have been changes recently to the legislation that allow the pay equity concepts to apply to a greater number of women who before weren't able to take advantage of the system because of the lack of male comparators. So it seems that with the new amendments there might be opportunities for more women to take advantage of the pay equity provisions. That is now working its way through the system.

Mr Curling: So you feel that more effort should be done in sort of moving it faster so that equity can be achieved by women?

Ms Sandomirsky: It seems to be, as far as I know at this point, operating at a fairly reasonable pace. I don't know that the new amendments have had the opportunity to work their way through the system yet, so I think that will take some time.

Mr Curling: Although the pay equity legislation was introduced by the Liberals, my party, at the time, I still have some concerns about how it came about. It started off different, and I'm using the opportunity because of your quite wide experience and knowledge: for women to get equal pay, but it's basically on work of equal value to be paid for all. Some people in that community, the community that was being deprived of equity in pay, seemed to be set back, like some males and some visible minorities, who felt that it actually turned into women who were paid to achieve equity.

How do you feel about the other aspect of the other minorities who are still being undermined and not being paid equally and have been almost left out in some

respects with emphasis placed on only women?

Ms Sandomirsky: The Pay Equity Act was set up to compare equal work of equal value between men and women. I understand that there is an Employment Equity Act now about to be proclaimed, if it hasn't been already which will also address other inequities in the workplace. But the Pay Equity Act was designed to redress the inequities between traditionally women's work and traditionally male work.

1030

Mr Curling: This is a problem that I do have with equity legislation, that it starts off about equity, fairness for all, then it starts to discriminate in some respects. Employment equity is another matter anyhow. I don't want to drag you into this government's inaction, of dragging its feet on the proclamation of employment equity. I feel, again, after six or seven months of legislation, they are not even able to bring it in to proclaim.

But again, having said all that, one of the problems I feel, in my very limited time in the Legislature, is that pay equity—do you feel that they should really be moving more again? Maybe I'm asking the question in another, paraphrasing way, that it really did not start off with inequity for women. It started off with equal pay for work of equal value and then somehow all the rest of the people got lost in there, and they're only addressed when they address others. They only address maybe the larger cluster group, which is women, of course, definitely, but the other groups are left out.

Do you feel, then—and you may not have the answer because it's unfair to ask you—that employment equity will ever bring about that kind of equity that is lost to the other minorities because pay equity really only addresses mostly women?

Ms Sandomirsky: I don't know that much about the Employment Equity Act and I don't know that much about the history of the legislation as it was brought in. I am a little bit more familiar with the legislation as it exists now and I think that's right, that it does address issues of pay inequity between men and women and that is the focus of that legislation.

Mr Curling: Another question I'd like to ask, just your views, not really a question, if you do have a view on that, and I appreciate your candid comments about employment equity and pay equity: Do you feel there could be something more achieved by having most of the equity, if you want to call them departments or areas, come together under one equity basis, and a matter of fact of cost saving, in one respect? Do you not perceive that it's more or less that you're only addressing a selective area and you have many equity areas? Have you ever given any thought, anything you could share with me so I can share with my colleagues here who sometimes really don't—I think if they hear, eventually they'll get it—whether or not, with all equity groups coming together, there would be a lot of cost saving in that approach? Or would you feel it may just lose some of its emphasis where it wants to emphasize—in other words, pay equity emphasizing women, employment equity addressing something else and so forth?

Ms Sandomirsky: As I understand it, there is a project in place where the employment equity, pay equity and the board of inquiry of the Human Rights Commission are merging to some degree, at least on the administrative level, so they'll be operating in concert with each other, and this is currently under way. To that extent, I think there is room for bringing those types of tribunals together anyway. Part of this project is to allow even further cross-interest of people to come and work in different tribunals and perhaps bring their expertise and experience to the advantage of both the individuals involved and the tribunals that they're working for.

As I understand it, there are currently some efforts being made to merge the employment equity and the pay equity and the boards of inquiry of the Human Rights Commission to operate as essentially one.

Mr Curling: Yes. They're not even quite sure how human rights and employment equity are going to work together, because they are in contrast and on a conflicting basis even in systemic discrimination. The human rights have their own systemic discrimination department and employment equity is supposed to be dealing with systemic discrimination. They're not quite sure how it's going to operate. No wonder the regulation can't come out.

I'm getting from you that there are positive things to be arrived at if we get most of the equity—I'm not putting words in your mouth—but that positive things can be arrived at, maybe cost saving, great cost reduction for the government and for the people of Ontario, if quite a few of the equities that are compatible and able to be dealt with could be dealt with under one umbrella. I'm

getting that from you, that it is positive to move in that direction.

Ms Sandomirsky: There seems to be that initiative, yes.

Mr Curling: I want to thank you very much. I was just trying to get some ideas, so thank you for coming before us. I wish you all the best in your contribution towards this service.

The Chair: Thank you, Ms Sandomirsky, for your appearance before the committee this morning.

Ms Sandomirsky: Okay. Thank you.

The Chair: Would someone like to move a motion on the two appointments?

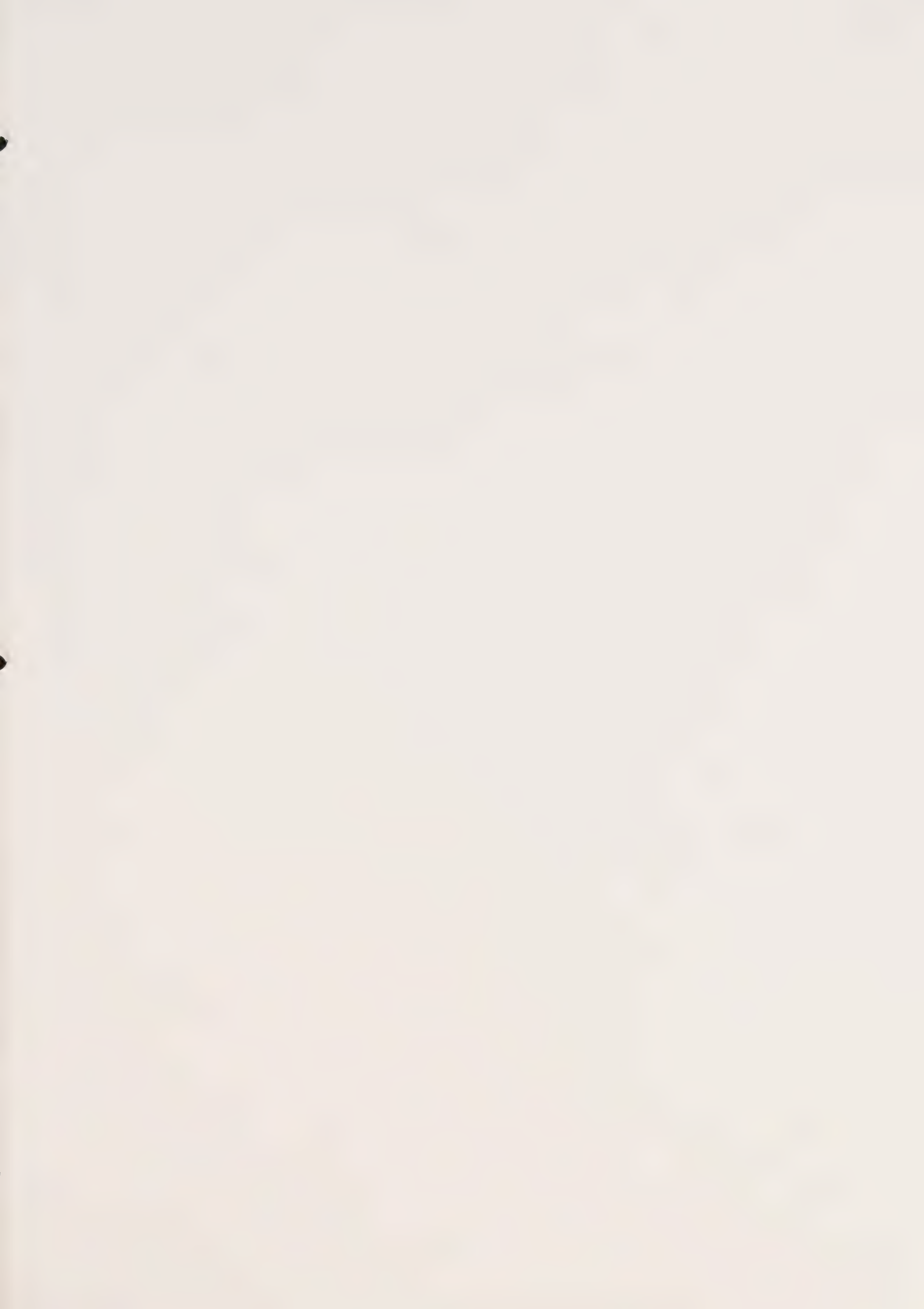
Mr Waters: I move that we support both appointments.

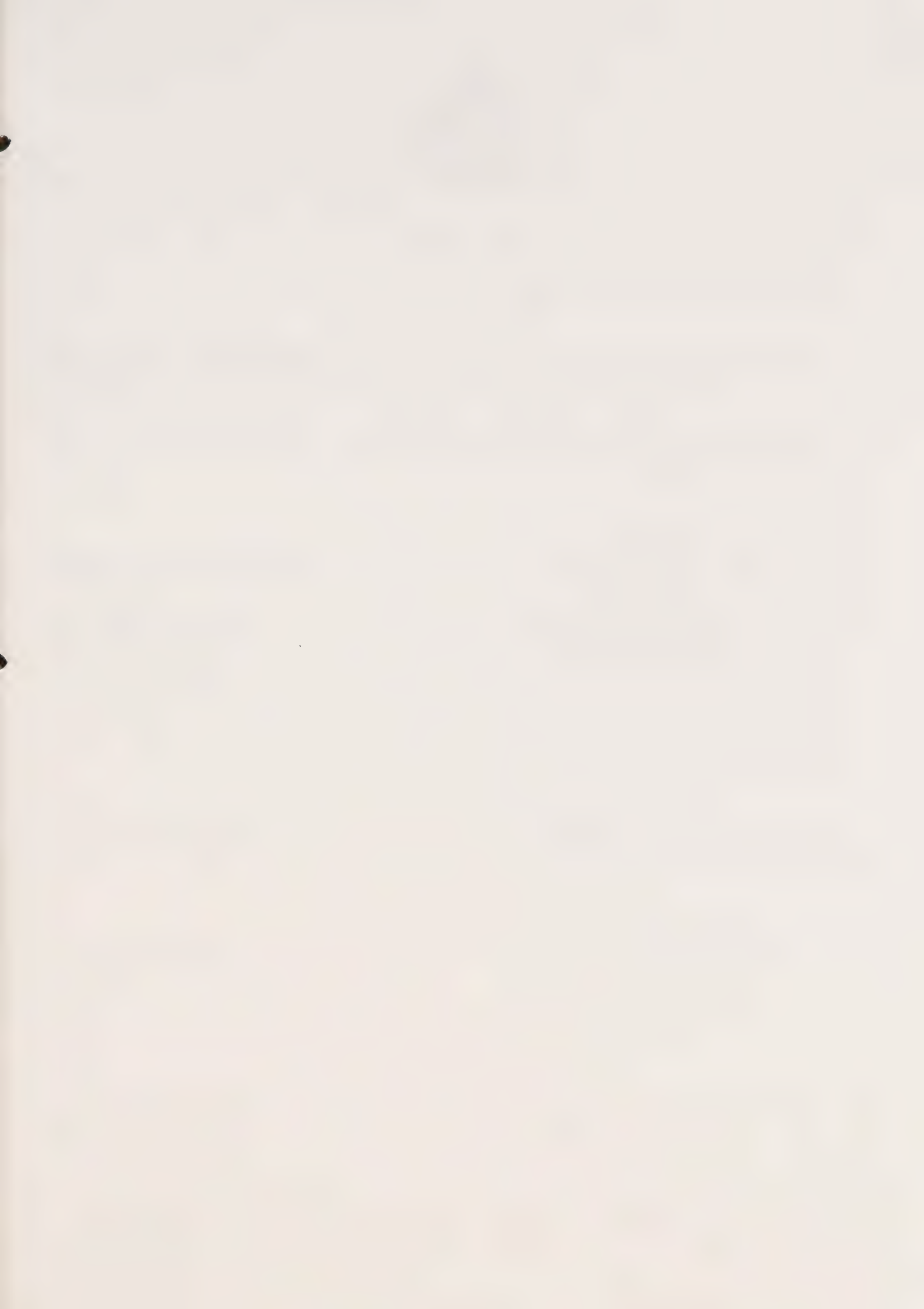
The Chair: The motion is that the intended appointment of Shirley Robinson as a member of the Hamilton-Wentworth Housing Authority be confirmed, and the intended appointment of Janice Sandomirsky as deputy presiding officer of the Pay Equity Hearings Tribunal also be confirmed.

All in favour of that motion? Opposed, if any? That is carried unanimously.

I'd like to thank the members for their attendance this morning. The next meeting will be at the call of the Chair. As soon as we have the information from the House leaders about the proposed schedule for this committee in the summer, the Clerk's office will inform you right away so you can make your plans accordingly. We'll look forward to seeing you then, whenever that is.

The committee adjourned at 1037.





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Official Report of Debates (Hansard)

Wednesday 3 August 1994

Journal des débats (Hansard)

Mercredi 3 août 1994

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Subcommittee report

Intended appointments



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 3 August 1994

Mercredi 3 août 1994

The committee met at 1002 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mrs Margaret Marland): Good morning. The first order of business is to approve a report of the subcommittee, dated Tuesday, July 12, 1994.

Ms Jenny Carter (Peterborough): I move that we approve that report.

The Chair: Is there any discussion? All in favour? That's carried.

INTENDED APPOINTMENTS

The Chair: Our first intended appointment this morning is Mr Gerald MacDonald. I'd like to welcome Mr MacDonald if he's here. I'm sorry; I'm on tomorrow's agenda.

DAVID HOPPER

Review of intended appointment, selected by official opposition: David Hopper, intended appointee as member, Fire Code Commission.

The Chair: I'd like to welcome Mr David Hopper. If you wish, you may make a brief opening comment.

Mr David Hopper: No, I'd just prefer to go directly to any questions you have.

The Chair: That's fine. This was a selection of the official opposition party, so Mr Cleary.

Mr John C. Cleary (Cornwall): Mr Hopper, looking through the material here, the number of increased occurrences, why would you want to serve on the commission?

Mr Hopper: I was originally approached, I think, about two years ago, and I don't know by whom or how, with the suggestion that environmental issues needed to be better addressed within the Fire Code Commission and could I provide some of my expertise to that commission. I said, "Sure, it sounds like a good idea," and I put my name forward.

Mr Cleary: What do you hope to accomplish?

Mr Hopper: I don't know. I don't exactly know how the commission works or exactly the kinds of questions it gets to respond to, but I think my contribution is to work towards having decisions that are not contradictory to basic environmental protection issues that might exist in the province.

Mr Cleary: How many are on the commission?

Mr Hopper: I don't know.

Mr Cleary: So you tell us that you don't know how many are on it, and I guess you don't even understand what your job will be.

Mr Hopper: I understand the commission's role is to respond to questions, to act almost as an arbitration mechanism to deal with questions that are more in line with the principles rather than the direct words of the fire code.

Mr Cleary: Do you feel there are any reforms needed?

Mr Hopper: Within the fire code?

Mr Cleary: The fire code and the commission.

Mr Hopper: I don't know if reforms are needed.

Mr Alvin Curling (Scarborough North): I'm sorry to be late, but what I'm getting of the drift is that you're not quite familiar with the fire marshal code or the commission itself.

Mr Hopper: That's correct.

Mr Curling: But you understand too that it will require you to look at new bylaws that will affect the community, and you're saying you're not quite familiar with that. How did you get to know about this job itself, or this appointment?

Mr Hopper: As I explained earlier, I was approached and asked to put my name forward to add some environmental expertise to the commission. For the life of me I can't remember who approached me or exactly when that approach was made.

Mr Curling: I know it's very difficult to get quite competent people on boards and commissions, so I presume that with your expertise they just grab you and tell you, you know, "You'd be a wonderful person to serve on this board." The concern we have, though, is that people are properly briefed. Did anyone brief you or bring you in and say: "Here is what it's all about. Here is what is expected of you"?

Mr Hopper: I have spoken with Mr De Carlo and he's filled me in a little bit on the essential roles of the commission as this arbitration mechanism, and I was familiar with the existence of the commission before I was called for the appointment. I knew it existed.

Mr Curling: I don't expect you to know it all, but being that you will be appointed anyhow on the board, one of the concerns is that the cutbacks of funding to firefighters, especially to the volunteer organization, and the training situation there, have been very bad. It has been very bad for a long time and they've been complaining for a long time too. Has that ever been raised? Have you ever heard that concern being raised of the lack of funds, the lack of training, and that these volunteers have to almost give out a lot?

Mr Hopper: Yes. I have a very good friend who's a volunteer fireman in Port Hope. Quite often he's brought this point up and we've discussed it. He says, "It's a really tough job given what we have to work with and the things we have to do."

1010

Mr Curling: Would that be one of your concerns, saying that funding to these organizations or commissions should be much more adequate?

Mr Hopper: Is that within the mandate of the Fire Code Commission?

Mr Curling: Yes.

Mr Hopper: If things are brought forward that it appears probably are defined problems directly related to lack of funding, then I'd have to recommend that that would be changed.

Mr Curling: Your job is, again, to advise the council of some of their needs and some of their shortcomings. How long do you expect to stay at the board? Have you had any expectations to say, "I'll be around for the next five years or four years?"

Mr Hopper: I think about three years. I think it takes a year to learn the job and a year to do it well and another year to wear yourself out. That's my experience in working on these kinds of committees and volunteer organizations.

Mr Curling: Do you feel the public would be properly served in that way, because your role on that commission also is to make sure that the public is aware of some of the new changes and the regulations that affect it in fire protection?

Mr Hopper: The Fire Code Commission isn't a well-known organization; I've certainly found that out. A friend I was sailing with last night is a fireman in the city of Toronto. He's responsible for educational efforts within the City of Toronto Fire Department, and he'd never heard of the Fire Code Commission. I found that kind of interesting and disturbing. So profile is certainly an issue that needs to be addressed somehow.

Mr Curling: You have a responsible role to play and I just want to wish you luck on this one, especially the fact that you're not quite familiar with the role they play. There's enough intelligence within you, of course, in order to gather what is needed, but there is a desperate need in funding and how one treats the firefighters, especially the volunteer firefighters, and in how the public is being informed about fire protection and things like that. I just want to wish you good luck.

Mr Leo Jordan (Lanark-Renfrew): I apologize for being a little late this morning. However, I welcome the opportunity to fill in this morning and thank you for coming out, sir, to make yourself available for this so-called interview.

I was just quickly reviewing, and your expertise seems to be concentrated in the environmental field.

Mr Hopper: That's correct.

Mr Jordan: Do you see that as an asset to you in applying your experience on this commission?

Mr Hopper: I think that's the reason I was

approached and asked to come forward, to help to add that expertise to the commission. I found it to be a very challenging and interesting field and it's made me think a lot, so maybe I'm able to think and apply things in a broader sense as well.

Mr Jordan: Could you give me something more direct, as to your experience in the environment areas relative to—

Mr Hopper: A direct example I ran into last year: We were doing some tank removal work in Alberta, and there are requirements in the Alberta fire code directly related to tank removal where they don't exist in the Ontario fire code. Anybody and his brother can go and pull an old gasoline tank out of the ground and there are no requirements to notify fire marshals or anything of that activity, even though it's a great potential source of fires, moving gasoline tanks around.

We stumbled across it in the Alberta situation and we in fact had to sweet-talk the fire marshal to avoid him really applying the arm-twisting. So that's an example of an area where an environmental activity that's happening every day, the cleaning up of these old gas stations, has a fire implication Ontario doesn't address. I don't know if Ontario wishes to or not, but—

Mr Jordan: I notice that in the responsibilities of the position it says, "The primary responsibility...is to provide an avenue of appeal to property owners." Could you enlarge on that, as you see it, as the primary responsibility in providing an avenue of appeal?

Mr Hopper: It's my understanding of how the commission works that the fire code can't be completely prescriptive because of the wide variety of possible things it can run into, and if there are situations where the property owner and the local fire official disagree on the particulars of how fire protection and life safety protection should be addressed, then the appeal is to this commission.

I think the commission is more to look at the guiding, basic philosophy underlying the code being properly adhered to by the competing proposals that are on the table.

Mr Jordan: Once you were contacted to see if you would be interested in serving on the commission, this application, as I see it, was more or less a formality.

Mr Hopper: It was some time ago. Sorry?

Mr Jordan: It was more or less a formality to have this on file. You had already been chosen, if you wished to serve.

Mr Hopper: Not as far as I know. I received a request once and was asked to send a résumé, I think probably in the 1991 time frame, and absolutely nothing happened. Then I received another request, I suspect about a year ago, although I'm not exactly sure of the date. I filled the thing in and sent it in again, and then quite recently got a phone call saying, "Well, you've percolated to the top of the pile and we're going to do something about it now."

Mr Jordan: But the initiative came from the other side, not—

Mr Hopper: It didn't come from me. I didn't

approach anybody. To be honest, I was approached, and I don't exactly know the route by which I was approached.

Mr Jordan: I see. Thank you very much.

Mr Noel Duignan (Halton North): I'm sure that over the course of a couple of years, you will learn your job. It's amazing listening to the Liberals and all the appointments they made over the years. They had the answer for everything, but as the people of the province found out, they knew nothing about anything.

Anyway, do you think that the fire commission could play a role in helping to prevent the occurrence of fires?

Mr Hopper: I think that's its role.

Mr Duignan: Pardon?

Mr Hopper: I think that its role is to deal with applications of the fire code which are a little more unusual or a little different or a little more difficult.

Mr Duignan: As you know, the Fire Code Commission holds hearings on appeals not granted by the fire marshal. Do you have any views on how these appeals may be dealt with, without holding a formal hearing?

Mr Hopper: I'm a firm believer in not getting to formal hearings. It strikes me that negotiation and whatever little arm-twisting can be applied to get to a solution before having to go to formal hearings is a much better approach. Formal hearings take a lot of people's time and energy and money to do and they should be a last resort, well down the road. There should be some mediation or whatever alternative dispute resolution techniques can be applied to get things forward. But in the meantime, it is dealing with life safety, with public safety, and it's a process that can't be compromised either.

Mr Duignan: So you would encourage something like that to happen.

Mr Hopper: Yes. A lot of what I do in my day-to-day professional life is negotiate between industrial clients and ministries, Environment or Consumer and Commercial Relations or whatever, to come to solutions that both can live with. Most often, the Ministry of Environment has the absolute, pristine billion-dollar idea in mind and the company has the \$5 solution in mind, and somewhere in the middle is the best for everybody. Getting there, getting to that middle point, is the crux of my job.

1020

Ms Margaret H. Harrington (Niagara Falls): Good morning. You have an extensive background in your résumé. Have you ever served on other boards, agencies or commissions?

Mr Hopper: At the provincial level, no. I served on the East York environmental advisory committee for four years, an activity for which I received a 125th Anniversary Canada Medal for that effort to encourage a municipal government to include environment in its thinking.

I also currently serve on the Professional Engineers of Ontario environmental task force on professional practices committees, which prepare guidelines for engineers to carry out their day-to-day activities, and on Canadian

Standards Association/International Standards Organization committees on environmental auditing, so I've got a fair bit of experience at a number of levels.

Ms Harrington: Thank you. Maybe Mr Malkowski might want to talk to you a bit further about your involvement in East York.

You were talking about alternatives to the hearings and we note that over the last 10 years the number of orders that have been appealed has more than doubled, so in fact you are concerned about that, that expensive and maybe long process of hearings. What is now happening and what would you want to have happen to have the two sides—instead of appealing, what would you have them do?

Mr Hopper: I don't know exactly, but—

Ms Harrington: A person has been issued an order and they don't like it and don't want to comply with it.

Mr Hopper: By the time it gets to the issuing of the order, though, the two sides have taken a hard position. Maybe this is a chronic problem and the local fire official's decided, "I'm going to issue this order and really get his attention," kind of attitude. But by the time you get to the real orders, I would think the local fire official's first approach would be: "Look, here's the problem and what are you doing to solve it? How can we solve this together?" If that doesn't work, then it should filter through eventually to this process.

But I think the better way for everybody is to spend the time up front in the negotiation, "Here's the problem and here's where I want you to get to," and on the other side, "Here's the problem and here's where I am and here's how much I'm willing to go," and try to get to somewhere that does the job.

Ms Harrington: Before the order is issued, you would have the firefighters actually deal with the person one on one and try to come to an agreement?

Mr Hopper: Yes.

Ms Harrington: How would your role on the commission ensure that the firefighters would do that? Would you tell them what to do or how to do it?

Mr Hopper: I don't think so. I don't know that the role of the commission would have much to do other than recommend that back and try and encourage that form of behaviour. Maybe at the end of an appeal, you say, "This is a spurious one that could have easily been dealt with by better negotiation," and sort of issue a slap on the wrist to both parties and say, "Try and do your job better next time."

Ms Harrington: One of your aims would be to get the number of contested orders down.

Mr Hopper: I don't know if the raw number is what matters. If, for instance, there is a massive increase in the number of people doing basement apartments or multi-residential things that would have lots of opportunity for conflict, then the raw number might not go down. But try to get the appeals to be really meaty appeals, something that was really worth appealing, and get the spurious ones dealt with earlier somehow.

Ms Harrington: I see. Part of your mandate is with

regard to training. Do you have any suggestions to change the way firefighters are trained?

Mr Hopper: I don't know how firefighters are trained currently, so I couldn't address that exactly.

Ms Harrington: I'll leave it at that. Thank you.

Mr Robert Frankford (Scarborough East): It's my impression, reading newspapers over the years, that there's probably an excessive number of real fire tragedies where families get lost in more remote areas. Do you think that's the correct impression?

Mr Hopper: I think if you draw impressions of any statistical basis from the newspaper, you'll have a big problem. Newspapers tend to overreport the sensational and underreport the mundane. Like automobile accidents versus airplane crashes; I mean, automobile accidents kill hundreds of times more people, but airplanes are on the front page every day.

Mr Frankford: I have not done my homework for this, but it wouldn't be surprising if that was the case. Whether I'm right or wrong, it would seem to me that there must be real problems in dealing with fire protection in remoter areas.

Mr Hopper: Certainly the delivery of firefighting service must be much more difficult.

Mr Frankford: Yes. I was wondering (a) if you had any experience in this directly, and (b) if you had any thoughts on ways in which the board should be perhaps proactively preventing it, although obviously this is going to stretch resources and we're probably dealing with areas where the whole municipal structure is rudimentary compared with what we're used to in metropolitan areas.

Mr Hopper: I have spent a lot of time working in remote areas. I spent a considerable length of time in the Northwest Territories chasing that Russian satellite that crashed, picking up the bits and pieces of that, so I've kind of seen the remote environment, what it's like and how hard it is to get services, if you need a spare part for something and how long it takes to get it. I have some empathy or understanding of that difficulty. But, again, because I'm not really familiar—I haven't really learned what the Fire Code Commission does—I don't know what its role can be in promoting an improvement to that.

Mr Frankford: Getting back to our first discussion about whether it's a problem or not, presumably you will be in a position to get statistics on overall occurrences where there is a geographical bias.

Mr Hopper: I guess you should have less property damage and less loss of life in an area that's better served by fire services, but how you measure "better" might be a very difficult question to answer.

Mr Frankford: Again, purely impressionistically, I think this may also relate to people's problems with heating. They use ad hoc measures which are really not right but they—

Mr Hopper: I put out a fire on my brother-in-law's roof. He used a wood stove that was well overheated, so I've seen that.

The Chair: I'm sorry, Ms Carter, we're out of time. Mr Hopper, thank you for your appearance this morning.

ROGER OWEN ROWE

Review of intended appointment, selected by third party: Roger Owen Rowe, intended appointee as member, Liquor Licence Board of Ontario.

The Chair: Good morning, Mr Rowe. Welcome to the committee. If you wish to make a brief opening comment, you may, or we will just start in rotation with questions from the committee members.

Mr Roger Owen Rowe: Good morning. Thank you. I assume everyone's received a copy of my résumé?

The Chair: Yes, they do have complete information.

Mr Jordan: Sorry, Madam Chair, I do not have that.

The Chair: Your package is in Mr McLean's office, I expect. We'll give you another package.

This is a selection of the third party, but if we could have agreement of the committee, maybe we could move to another party to start, because Mr Jordan's just received the material and Ms Witmer has just arrived.

Mr Curling: Are they ready?

Interjection: The government's always ready.

The Chair: Is it acceptable that we go to the government members? Ms Carter.

Ms Carter: I see you have a legal background and involvement with a legal clinic, so I wonder if you could tell us something about how you feel your background qualifies you for a position at the LLBO.

Mr Rowe: The liquor licence board is an administrative tribunal, and a lot of the work I've done over the last five years since I've been called to the bar has been before administrative tribunals dealing with issues of procedural fairness and working with the Statutory Powers Procedure Act, which is the governing legislation for the liquor licence board hearings. In that regard I've had considerable experience.

1030

Ms Carter: It seems to me that a crucial part of what you have to do on this board is balance public and community concerns with the interests of the people who want the licence. I just wonder what feelings you might have about how you would do that.

Mr Rowe: It's always a difficult issue balancing competing interests. I've had to do a bit of that in the community work I did before going to private practice. I was involved with the Jane-Finch Concerned Citizens Organization, and invariably very controversial issues would come up between the police and the community. The police were members of the organization, so we would always have to be balancing the interests of one against the other to keep the ship sailing. It's never easy. You just have to take each case on its own merits.

Ms Carter: How would you define the public interest in this? What kind of things would you be looking for as problems in issuing a licence in a particular instance?

Mr Rowe: I think the act says the licence is to be granted unless, having regard to the public interest, there are certain objections. It doesn't really specify what aspects constitute legitimate public interest. I suppose in this context it would possibly be things like alcohol-related offences that might flow from a licensee not

properly complying with the terms of a licence, whether it's overcrowding, service to underage persons, or over-service, serving people who are intoxicated. The community bears a direct impact when those people leave the bar and you have hit-and-run accidents and so on. To that extent, that might be a public interest that might come up in some of these applications.

I suppose as I get more experienced adjudicating liquor licence applications, I'll have a better sense of what are community-interest concerns.

Ms Harrington: I am concerned about my community, the city of Niagara Falls. Recently, in the last two months, we've had some front-page problems about some of our places, whether they're the strip joints or the bars, and I have had fathers in my office who have complained that their teenaged girls of 15 and 16 have been served. I have been in touch with the board to find out what it can do to help. Are there enough members and is there adequate inspection?

Mr Rowe: Are there enough members of the board?

Ms Harrington: Yes. The board actually does the inspecting.

Mr Rowe: I believe there are nine board members, two of whom are full time and the remaining seven are part time. They adjudicate on different liquor licence applications and at the hearings and at the public interest meetings, when the public objects to a prospective licensee's application, but I don't know that the members do the actual onsite inspection. I think there are staff and employees who do that, and I don't know what the staff composition is.

Ms Harrington: I'm concerned that there be adequate staffing. Over the last while the number of licences revoked per year is maybe 100 or so. I'm wondering if there shouldn't be more, if there shouldn't be closer inspection and tighter adherence to the rules. Would that be one of your concerns?

Mr Rowe: I think you've outlined a very legitimate concern. We would want to take each case on its own merits and apply the legislation accordingly and apply the policy of the board accordingly.

Ms Harrington: How would a case come before the board that you would be on? How would it get there?

Mr Rowe: A prospective licensee applies for a licence and then the board gives notice of it to the public and invites an objection or comments. If there are one or more written objections, then a public meeting is called—

Ms Harrington: That's in order to get a licence. What if that licence then is at question, if someone says this establishment should not have a licence? How does it get to that point?

Mr Rowe: Then the person is applying for a renewal. My understanding of it is that the same procedure can kick in, which is that a person is applying to renew and if there's any written objection from the public, then a public meeting is called. My understanding of it is, though, that on transfer applications, the public interest issue is not an issue that is considered.

Ms Harrington: Can the public bring the licence up for review?

Mr Rowe: Right, by filing their objection to the renewal or to the granting of new licence.

Ms Harrington: But only at the time of renewal, is what you're saying.

Mr Rowe: That's my understanding of it. I suppose that politically they can contact their MPPs or involve the press or protest directly to the owners, but in terms of the liquor licence application, the public gets their shot at it when an application for renewal is made and one or more members of the public file an objection. That's my understanding of it.

Mr Frankford: I realize you're not going to be setting policy, you're just going to be operating under the regs, but I'll just try this out on you. I've just recently spent a little time in la belle province, where you're allowed to bring your own bottle into a restaurant, purchased at the corner store. Do you have any thoughts on whether we should be exploring options like that?

Mr Rowe: I think they have a more relaxed regulatory scheme than we do here, and that's been their tradition. We have to follow the regulations and the legislation we have in Ontario, and that's what we will do. If they change it and make it like Quebec, then we'll do like Quebec. If not, then we'll stay how we are.

Mr Curling: Thank you very much, Mr Rowe, for coming in, and serving on what I feel is one of the most important boards in the province. As you know, alcohol is one of the biggest killers, and the most expensive in our drug plan. Governments completely ignore it, as it's one of the biggest revenue reapers. As a matter of fact, the onslaught that went on with cigarettes is almost a farce compared to what goes on with alcohol. It ruins families and really creates a lot of havoc in our society, which most politicians won't talk about, of course.

Do you see the laws being toughened up about alcohol because of the cost to society, the destruction of family? Do you see this regulation being toughened up more?

Mr Rowe: I guess that's a decision for the MPPs to make concerning the direction of the law on alcohol-related crime and alcohol-related issues. In terms of what my prospective role might be with respect to the legislation, I implement; I don't set the policy.

Mr Curling: You're a lawyer, and you know that sometimes laws are created by input of the public or boards. You deal with a lot of statistics about what's coming in and how it's going, and your recommendation will be listened to very attentively by the government or even by the opposition. Maybe I'll put the question back to you: Would you see yourself in the role of making some recommendations from time to time to the government as you see these statistics come across, for the board to say, "I think we should be doing something more about this"?

Mr Rowe: My understanding of it is that there is a mechanism in place at the board for input from all the board members on a monthly basis on different policy issues, and I believe through interaction between the board members and the chair, a uniform policy is formulated. I'm a team player. It would seem premature for me to comment on that without having a chance first to

consult with my prospective colleagues on the board.

1040

Mr Curling: I know you'll do a good job there; there's no doubt about that. Some of the tough questions will have to be dealt with, and I see these emerging.

Let me get to some of the regulations: the special permit licence. As you know, even in the papers there's talk about cutting down on those house parties that are causing a lot of havoc within the community. Some people feel that the special permit licences are so difficult to get and some people feel they're too easy to get. Have you any feeling on that, about the special permit and house parties that should be shut down?

Mr Rowe: I think we have to take each application on its own merits and look at the prospective applicant—what sort of track record do they have, or criminal record, or what sort of reputation do they have in their community—and look at it on a case-by-case basis, consider what is the overall policy of the board with respect to the particular sort of application that's being put forth. You combine all the different variables and then apply the law to the particular facts of the case.

Mr Curling: It's a bit difficult there to say case-by-case, as you know. One group will get a licence in somebody's name and then goes back and gets it under another name and they perpetuate the problem itself. They feel it's much easier when they can get around the laws anyhow. People are concerned about how easily these special permit licences are given. In some communities, they feel it's rather difficult because it's so discriminatory, selective, and some groups don't get the access to those special permits.

Would that be one of your concerns sitting on the board as one of the watchdogs to watch how they are? Maybe I could ask you, when you get there, to look at those special permit licences, how discriminatory they do those selections. Would that be one of your concerns? Could I depend on you to take a look at that while you sit on that board?

Mr Rowe: I'll certainly do whatever the task is that is assigned to me.

Mr Cleary: Do you feel that the circulation list for an application for a liquor licence is sufficient?

Mr Rowe: Circulation list? Can you clarify?

Mr Cleary: We had talked here about the fact that the list has to be circulated to the municipality and probably the utility and a number of others.

Mr Rowe: I'm not aware of that circulation list.

Mr Cleary: For a new liquor licence? You didn't know about a circulation list?

Mr Rowe: I know that there's a means by which the public is notified when a person is applying for a new licence or applying to renew a licence. I'm not aware of a circulation list.

Mr Cleary: In your opinion, what are the main reasons to suspend a licence?

Mr Rowe: If the person hasn't been paying their retail sales tax, if they have not been complying with the terms under which the licence was granted, if they've

been serving underage drinkers, if they've been allowing overcrowding, selling illegal liquor; these sorts of things.

Mr Cleary: In your opinion, how many times should an establishment be inspected—a month, a year—by the liquor inspector?

Mr Rowe: I think the answer to that depends on what the current policy of the board is, what the staff complement is, what the resources are and what the priorities of the board are and whether that is one of its priorities, so it's a difficult question to answer.

Mr Cleary: Complaints are one thing, but there must be so many times a month or so many times a year that the inspector has to inspect an establishment, is there not?

Mr Rowe: I suppose they have some sort of schedule they follow in terms of the numbers and the frequency with which they conduct their inspections. At this stage, I don't know the specific stats. Perhaps if I'd had some notice of your question, I could have come with a better prepared answer in terms of statistics and so on.

Mr Cleary: I'll pass.

Mr James J. Bradley (St Catharines): As you know, we have a casino in the province of Ontario and we may have more. We'd all be surprised, of course, that the city of Detroit has now voted to have a casino after Windsor was approved; that was a real surprise. What do you think should be the restrictions placed on individuals within a casino context? Initially we thought they were not going to be able to drink any alcoholic beverages and gamble at the same time. Have they changed that now? I think that's been changed. Do you think there should be restrictions on people who are squandering their money in gambling casinos?

Mr Rowe: I'm assuming you're speaking of restrictions in the context of alcohol consumption.

Mr Bradley: Yes.

Mr Rowe: I don't know if the restrictions ought to be any different than they are in any other bar or any other licensed establishment.

Mr Bradley: I guess I asked it in the context of the fact that people whose judgement may become impaired by the excessive consumption of alcohol may well be squandering even more of their life savings at the roulette wheel or whatever they have in a gambling establishment, whereas if they were sober they might not spend quite so much. Is there not a danger there?

Mr Rowe: I understand the point you're getting at, but the flip side of that is that there are people who compulsively gamble who are not under the influence of any sort of substance, so putting a restriction on alcohol may not necessarily curb compulsive gambling.

Mr Bradley: So they should be allowed to fire back a rum and Coke or something at the same time they are gambling?

Mr Rowe: To be honest, I don't know. I don't gamble. I've never been inside a casino and I'm not really an expert on how the combination of alcohol and gambling interrelates. I don't see myself coming into this as having a role of setting policy in that regard. That seems like more of a question for you guys.

Mr Bradley: Well, we would certainly be interested in your observations as a member, perhaps a year or two down the line, of how it is working out.

Should there be dry areas allowed in Ontario? You used to have dry areas, and I think there still are. Do you think there should be dry areas or should one rule last right across Ontario and affect all of Ontario?

Mr Rowe: I think there is provision in the act for municipalities to have a process where they have an election to determine if they want to have their municipality as a dry area. I think that is a sufficient sort of mechanism to allow for that kind of choice by a community. If you're asking me if I think we ought to unilaterally impose dry areas, I don't know if that's the way to go. However, it could be that the government has the power to do that.

Mr Bradley: Some people have advocated that there be one rule for all Ontario in terms of no dry areas and others have said we should retain them. That's why I was interested in your comment.

The next question I have is something Ms Harrington dealt with. I'm going back to transfers. Perhaps it's as much a request as it is a question, that with your colleagues you give serious consideration to making recommendations to the government on transfers. We had an instance with a strip joint, I think Margaret referred to it as, in downtown St Catharines. The city council was up in arms and the neighbourhood and so on, and there was talk of the licence being simply transferred somewhere else. You know how people can transfer to friends or maybe someone else in the family. I ask that the board give very close consideration and careful observation of the transfer of licences simply as a ruse to get around a bad reputation that one owner had at one time when really the same owner is involved in the project.

Mr Rowe: That point is well taken, but I think also that the Legislature can amend the act to place the sorts of restrictions that you seem to be suggesting or implying might help prevent a situation where a bad licensee avoids the compliance requirements by transferring the licence to someone who has a better reputation.

1050

The Chair: We're out of time, Mr Bradley.

Mr Bradley: I was just going to ask about the drinking age.

Mrs Elizabeth Witmer (Waterloo North): Welcome, Mr Rowe. I think it is important to recognize that the responsibility you're preparing to assume is a very important one. I think you've heard now from various individuals that there are some concerns about the process and how the applications for licences are handled. How many members are there on the Liquor Licence Board of Ontario?

Mr Rowe: I believe there are nine.

Mrs Witmer: In the research document we've been given, I notice that from time to time there are municipalities and individuals throughout the province who are very concerned about the manner in which the LLBO grants liquor licences to bars and to restaurants. They feel that in many cases they're given far too liberally.

This has just occurred in my municipality of the city of Waterloo. Again it was a situation where an individual applied for a licence. It was in a residential area. I can tell you there was quite an uproar; there was tremendous objection from the community. Lo and behold, there was a little meeting held, and at the end of the meeting the two people went out into the parking lot, took a look around and said, "Okay, folks, how many of you are in support of the licence for the new bar?" They took a straw vote out in the parking lot.

I would hope you would take your responsibilities more seriously than these individuals from the board did. Subsequently, a lawyer did appeal that decision and a public hearing was held. But it's rather frightening to think that the type of responsibility that you're going to be assuming and that others have assumed—individuals obviously don't see the job as being too serious, because they take little straw votes out in the parking lot. I found that very appalling, to think that was going on.

It is a serious responsibility, and there is concern throughout the province that perhaps things are not being handled with the seriousness and the investigation necessary. I certainly hope you will be committed to ensuring that the process is properly followed as laid down.

What do you believe needs to be taken into consideration when individuals in a community object to a licence because they feel it will impact on their quality of life? What questions would you be asking to determine whether that would indeed happen?

Mr Rowe: The legislation requires board members to determine what aspects of the community's objections relate to actual alcohol consumption, because invariably community members come with concerns, some of which are properly within the purview of our consideration but some of which aren't. For example, issues of garbage or of parking are not really issues directly related to the issue of abuse of alcohol consumption.

The task of the board member, as I understand it, is to try to sift out which concerns are legitimately within the purview of our consideration and which ones aren't. I think you have to try to be as inclusive as possible and show the community residents that you understand their concerns, and at the same time you have to apply the legislation. It's not a question of doing what the individual board member wants to do, it's a question of applying the legislation to the facts in a fair way.

Mrs Witmer: I hope people do give more consideration to the impact on the quality of life, because I will tell you that for these people it's a nice downtown neighbourhood where people are attempting to raise their children; they're trying to live downtown. But what's happened now is that you have noise till well into the morning, you have people coming out of the establishment and urinating all over the front lawns of people, and there's graffiti, there's garbage. This is the type of impact that I don't know is always taken as carefully into consideration as it should be.

Mr Jordan: Thank you, Mr Rowe, for coming this morning. Do you have some reforms in mind as a member of the board?

Mr Rowe: At this stage I don't really have anything in mind. When I become a board member and I've attended a couple of the monthly board meetings and seen a little more of what the issues and concerns are and have had a chance to chat with my colleagues, I might have a better sense of what's to be reformed and what's not. But I don't know that it's properly a function of the board to reform and set policy. My understanding of the board is that it implements the policy the government sets and from time to time makes recommendations to the government.

Mr Jordan: So you don't see the board making recommendations.

Mr Rowe: Yes, that is part of the role of the board, to make recommendations, but not—

Mr Jordan: We recently met with the hotel association and tourist industry, the different hospitality groups relative to the general tourist industry, and their concern is overregulation and overtaxation. Could you comment on that?

Mr Rowe: My understanding of it is that the board is essentially following the legislation. Perhaps the hotel owners ought to take their concerns up with the Legislature, because my understanding is that the board is merely following the law in terms of requiring compliance and doing the collection of the retail sales tax and so on. I don't believe the board has the jurisdiction to modify the legislation the way it appears the hotel owners would like.

Mr Jordan: Perhaps the board doesn't have the jurisdiction, but surely, as a member of the board and from being in the legal business and the business of dealing with other businesses in the public generally, you as a member and the other members would be coming forward with amendments to the act that would make it more competitive for the tourist industry and the hotel association. You can't leave it all to the government. It would be the government's decision whether to amend the act using your suggestions. In coming on to the board, from your general experience, do you have areas you would like to see amended and changed?

Mr Rowe: At this point I don't feel familiar enough with all of the complex issues that are involved to be able to say that I have any recommendations or suggestions, but I expect that if I'm appointed, and as I become more involved in what's going on, I'll have more of an intelligent opinion about it. But as to the point you make that we can't leave it all to the government, I guess the flip side is that we can't leave it all up to the hotel and the business people either. There is a community interest that has to be balanced as well. In terms of where I'm coming from, it would be a question of trying to, in the fairest way, balance the private interest with the community interest.

Mr Jordan: For example, do you realize that an individual can go to the liquor outlet and purchase a bottle of wine cheaper than the owner of a restaurant?

Mr Rowe: I didn't know that.

Mr Jordan: That being the case, would you be in favour of that being changed so that it would at least—

Mr Rowe: Before I would comment publicly on policy of the liquor licence board, I'd want to first have an opportunity to consult with my colleagues on the board and certainly with the chair as a team player.

The Chair: Thank you for your appearance before the committee this morning, Mr Rowe.

1100

JOHN D. MURPHY

Review of intended appointment, selected by third party: John D. Murphy, intended appointee as member, Ontario Hydro board of directors.

The Chair: Good morning, Mr Murphy, and welcome to the committee. We will start this rotation with the third party, which made the selection.

Mr Jordan: Good morning, Mr Murphy, and congratulations on being chosen to serve on the Ontario Hydro board. How were you chosen? Was it a bargaining item?

Mr John D. Murphy: No. What we discussed in collective bargaining was an agreement between the Power Workers' Union and Ontario Hydro that we would recommend to the government that a member of the Power Workers' Union be appointed to the Ontario Hydro board of directors—that was the agreement between us—but that the government would retain the right to choose whom it saw as appropriate as appointees to the board of directors.

Mr Jordan: So the same procedure for you being chosen for the board has been applied as to all other—

Mr John D. Murphy: I believe so, although what we agreed to in collective bargaining was that we would submit two names. This was between us and Ontario Hydro. We agreed that we would submit two names to the government. When we did that, we were informed that we had to actually submit three names, that that was the standard procedure, so we did in fact submit three names for consideration, my own name being one.

Mr Jordan: In your union, when you were deciding on three people to serve on the Hydro board, what were the real concerns on the abilities of these three people, where you wanted to make sure you were going to have those qualifications on that board? What were the concerns that you and the executive of the union had about the operation of the corporation that you found it really necessary that someone from your group serve on that board?

Mr John D. Murphy: One of the things we looked at is the fact that most of the progressive companies have recognized the value of worker involvement in decision-making and that the decisions made within companies that involve workers are probably a lot better than those companies that exclude workers. That was kind of the thinking we had. We looked at a lot of models out there where there was worker involvement in boards and felt that this would be an appropriate thing to do.

In terms of who the person should be, we felt that as president of the union and therefore accountable back to the people who perform the elections, the president would be in a position of having broad knowledge of the issues within Ontario Hydro and would be able to bring that

practical perspective to the decision-making at the Hydro board of directors, because if good decisions are made at the Hydro board of directors, it certainly helps us, but if bad decisions are made at the board of directors, it can come back to hurt us.

Hydro's deficit has a direct impact on the job security of the future of Ontario Hydro. Hydro's rates in the future have a direct impact on us because the amount of electricity we sell is tied into the rates. That was the kind of thinking we had. We wanted to get in and help the company steer a better course in the future in terms of its decision-making.

Mr Jordan: Just to follow up on your comment about "the amount of electricity we sell," what's your opinion on this more or less negative marketing approach that we've had for the last period of time?

Mr John D. Murphy: A lot of it was perhaps unpredictable because of the recession and that, that we fell into. I think that some of the shift in industry because of things like free trade, some industries uprooting and moving out, perhaps has had an impact, but I think overall it's mainly the recession that has really sort of got us into this surplus situation we are currently in. What I think is that hopefully that's not going to continue on, that the future looks brighter.

One of the concerns I have about decision-making within Ontario Hydro is that we don't make decisions with respect to the multibillion-dollar power plants and distribution system that Ontario Hydro has that are based on something that is going to be short-term, but that we're really sure that we're making decisions that cover off the future. In other words, I think it would be a mistake to be shutting down plants if in fact we're going to have to replace that energy at a higher cost in the not-too-distant future, if it doesn't make economic sense in the future.

Mr Jordan: What about the plan to discourage, if you will, the use of the product, to, say, have to replace existing or come up with new generation?

Mr John D. Murphy: With respect to energy conservation, we think that should be the first approach. If we don't have to consume energy, if we can reduce energy consumption, we think that makes an abundance of sense. If you can reduce energy consumption and by doing so prevent the need to have to build additional generating facilities, that makes eminent sense. Where it becomes problematic is if you have a company that has a large surplus of power that is trying to balance the needs of keeping rates down to 0% and reducing its deficit. Then it becomes very difficult for the company to do everything. I think the company has sort of social responsibility, if you like, for want of a better word, to the province in terms of leading the whole issue of demand management and should set an example. But there are limits. There should be practical limits in terms of what they can do around energy conservation.

Mr Jordan: To be a little more technical about it, we have the Ontario government, through the Ontario Housing Corp, going through my riding removing baseboard heaters and other forms of electric heat from the Ontario Housing units. They're switching over to gas,

and that includes the hot water tank. There's no effort being made to use the technology available to control these heaters at peak time so that they don't come on during the peak and therefore don't affect the demand for new generation. This technology is not being used. The whole system's going to the garbage by the truckload and I don't hear too much from you as a leader of the employees.

Mr John D. Murphy: To be honest, I wasn't aware of that particular situation you're referring to. All I can do is give a general comment in terms of the approach that should be taken, I think, by—

Mr Jordan: Are you in favour of a proactive marketing scheme?

Mr John D. Murphy: I'm in favour of a proactive marketing scheme that encourages people to become more energy-efficient in the province because I think that's what will secure the future for industry in this province and the future of the province. What I'm not in favour of doing is some of the energy management initiatives that we got into in the past, such as paying industry to become energy-efficient, paying it to put in new high-energy-efficiency motors if in fact it was already going to do that.

I think most business people in the community would tell you as well that they would much prefer to see the focus of Ontario Hydro around keeping rates down and not necessarily paying them to do things they were going to do anyway. But I certainly think there's a need to encourage people to do the right thing with respect to energy conservation.

Mr Jordan: But most businesses that have a surplus of the product concentrate on either getting involved with other uses of the product or a wiser use of the existing product. I don't see much of that going on.

Mr John D. Murphy: Our union has spent a considerable amount of money trying to advocate exactly what I think you might be suggesting, about trying to find alternative uses for the surplus of power that we have. I don't think what we would want to do is advocate environmentally irresponsible use of that power, that, in other words, let's go out and start advertising people to leave their lights on in their homes and that kind of thing.

Mr Jordan: Oh, no.

Mr John D. Murphy: But what we do believe is that if there's an opportunity to take that power and use it for some other purposes, then we should be doing that. Some examples are that we think Ontario Hydro should be more aggressively looking at export sales of electricity. We think there are markets there that can be exploited more. We think that within the power plants in the province that Ontario Hydro has there may be an opportunity to get into what a lot of industry has got into, of having the plants be not just these huge facilities that produce electricity, but having the massive amount of waste energy, heat energy, converted and used for some constructive purpose, turning them into sort of cogeneration-type plants.

Lennox, down near Kingston, is a really good example of that, where there are a number of private sector

proposals for companies that would be willing to come in, set up businesses on the massive amount of land Hydro has down there and have the steam that Lennox would produce used to fuel that industry. We think those types of initiatives would be helpful to get into.

1110

Mr Jordan: What about the transportation industry, the electric train from Windsor to Quebec City? Lennox is in an excellent location there to provide a supply of generation. What about the electric car, all these areas, and reduce the CO₂ around this city and all the other cities? It would seem to some of us that there are many uses for the product but we're very reluctant to market the product, that we'd sooner invest in Peru or some other form of out-of-the-province investment.

The Chair: We're out of time. Mr Murphy could answer your question, but don't go into another one.

Mr John D. Murphy: Just answer the last question?

The Chair: Yes, if you would, please.

Mr John D. Murphy: I certainly think that there is an opportunity to look at investing more in the future of this province. While Ontario Hydro is under short-term pressures and with a large utility like Ontario Hydro you can't ignore the short-term pressures, you have to also plan for the future. That's really what's needed within Ontario Hydro, some more longer-term strategic planning as well as some of the short-term initiatives that have been taking place. It needs a long-term strategic plan to look at how it can in fact be a more effective company, and a more effective company is one that doesn't have a surplus of power, as an example.

Mr Jordan: How many employees—

The Chair: I'm sorry, Mr Jordan, we're out of time.

Mr Drummond White (Durham Centre): Mr Murphy, you've got yourself a position, most likely, that certainly has been recommended by the Ontario Hydro board. This is a unique selection process, of course. It's not politically involved at all, but it is a situation where traditionally that board of directors has been composed of a large number of very powerful business folks in this province. I've known you for a long time, Mr Murphy, and we've had discussions about Hydro and trends in Hydro. You certainly have the sophistication and the knowledge of the overall business, but you'd be one person on that huge board, a board which could in years to come be again composed entirely of very powerful business folks. How could you sell your membership on that board to your membership in the union?

Mr John D. Murphy: In terms of our membership, there certainly is no problem or concern from our membership in terms of the president of the Power Workers sitting on the board of directors of Ontario Hydro. I would say perhaps five years ago we didn't think that way; we thought like a traditional union; all we concentrated on was the next round of collective bargaining.

But most of our members now recognize that the only way we're going to survive in the future is if we're concerned about issues much broader than the basic things around collective bargaining, if we're concerned about the decision-making within Ontario Hydro, if we're

concerned about the deficit, if we're concerned about the rate structure within Ontario Hydro. We think that bringing a workers' perspective forward to the board will help achieve that.

As one person sitting around the board, in addition to a practical kind of worker perspective to the issues that are going to be discussed, one of the things we hope to bring as well is sort of an inside perspective. With the exception of the chairman of Ontario Hydro and the president of Ontario Hydro, most of the people who are sitting on the board of directors bring a lot of excellent skill, but perhaps the skill that they might lack would be an internal understanding of some of the practical workings within Ontario Hydro. If selected as a board member, I hope to bring that sort of practical perspective forward so that will hopefully stimulate debate among the other board members.

Mr White: As you know, Ontario Hydro has a huge amount of power in terms of setting of rates and setting of the whole economic thrust of our economy with the hydro rates. The hydro rates are the things that everyone understands, what their power is going to cost them, how much is going to come out of their bill.

Locally, in my area, I've got of course two perspectives: one, having so many Hydro workers in my riding but, secondly, everyone pays for the cost of hydro. How would you deal with that? What's your stance on the Hydro rate freeze?

Mr John D. Murphy: As an example, Ontario Hydro is proposing a 1.4% rate increase next year on electricity, and our union has taken the position that the rate increase next year should be 0%. When we were in contract negotiations we signed a contract of 0% for the workers that we represent, and our argument has been that because the Power Workers' members have accepted, freely through collective bargaining, that they should have their wages frozen for two years, Hydro should apply the same sort of standard to themselves.

As an example, one of the things, had I been a board member, that I would have wanted to question was why it was that management saw it as being appropriate for them to introduce a pay system for themselves which would effectively give them an increase, give them more money, when the workers were accepting 0%, that kind of thinking.

I'm certainly driven by the desire to keep rates down, preferably if we can keep them to 0%, but to keep them in such a way that we're not also harvesting the assets. We have multibillion-dollar power plants, we have a massive electrical distribution system whose integrity has to be maintained, and trying to balance those.

Ms Carter: Welcome, John. I think we'd all agree that there should be a labour representative on the Hydro board and that it should be you. I'm just wondering how you basically see yourself as a potential member of the Hydro board, whether you will see yourself as a labour rep or as somebody serving Hydro as a corporation or serving the people of Ontario or the manufacturers or what. How do you see yourself there?

Mr John D. Murphy: I think if you take on the

responsibility of being appointed to a board of directors, there's a certain amount of expectation that goes with that. I think I would simply be myself. My values and principles I don't think will change. What my objective would be is not to be seen as being somebody different within the group of people sitting around the Hydro board of directors, but really as trying to be an advocate around issues that I passionately believe in, trying to get other board members to come on side.

Ms Carter: What would those issues be?

Mr John D. Murphy: Those issues would be things around making sure, in my view, that Ontario Hydro focuses its direction—it is, from my perspective, a little bit too scattered right now—that it focuses internally, at home, before we fix problems abroad and that we focus in a way that what we say is that Hydro has gone through massive restructuring and there needs to be a stabilization of the workplace.

I think that's critical, that's number one. Having gone through cutting 10,000 jobs, in any organization there's going to be an effect of doing that, and the major effect is some effective management, making sure that the organization is stabilized as a result of doing that. That would be number one.

I think the second thing would be concentrating on the rates. If in fact there is, and we believe there is, an opportunity to have rates at 0% next year instead of 1.4%, we believe that will be a good kickstart in terms of the economic recovery of the province, and also that it will be a help in terms of dealing with the surplus of power that we have within Ontario Hydro. So that should be the second objective.

I think the third objective is the whole issue of reliability. One of the reasons, we believe, why General Motors is positioned out in Oshawa and why industry has invested in this province in the past has been that we have an extremely reliable electrical distribution system in the province. We want to make absolutely sure that's not harvested, that it doesn't decline to the point whereby any decrease in the level of reliability costs a lot of money for industry and discourages industry investment.

That's what I'd like to see, those three areas tackled.

1120

Ms Carter: I think we would all agree certainly that it has to be reliable, and that's very important.

Hydro is in a very difficult position, I think. I think there are a lot of contradictions there, and in a sense I'm glad it's your problem. Well, it's a problem of all of us, but it's certainly a very thorny one. If it was a private corporation, it would just be selling as much as it could and putting the price up as much as the traffic would bear and getting rid of its deficit that way, but for various reasons it can't do that.

I'm just wondering what you do see as the long-term picture. For example, if export becomes a means of using up the surplus, we then become committed to that, and certainly under the free trade agreement, in times of shortage we become fixed in the amount we've been selling previously, so that could be a danger in the long term. I'd like your comment on that.

Mr John D. Murphy: We have always sold a significant amount of electricity; Ontario Hydro has. I guess what we're saying is that if you have multibillion-dollar plans that have been already paid for by the ratepayers in the province, rather than simply shutting them down, opportunities like saying, "Let's try and get a better return for the ratepayers by getting some contract sales," probably make more sense than simply shutting them down. That's the kind of concept that we have.

Ms Harrington: I want to wish you well. It's a very important position you've taken on. I believe the workers do need that voice. I'm glad to hear you're committed to cost control.

I have three questions. First of all, are you committed to continuing as a public corporation? Secondly, I want to let you know how important it is to my riding of Niagara Falls that the Hydro tunnel twinning project go ahead. Thirdly, I would ask you to consider the concerns of your construction union, which is Local 1788. Would you have any comments on those?

Mr John D. Murphy: I'll simply take them backwards. In terms of the 1788 problems, it's sort of an interunion problem. I don't see that necessarily being a topic—I can't envision it being a topic that would be dealt with at the Hydro board of directors. It's a dispute between two unions within Ontario Hydro as to who has jurisdiction over work, and it's kind of dealt with at the labour board. There's a process that is flowing out of that at the labour board that hopefully will come up with a resolve rather than having to go to labour board disputes on those jurisdictional issues.

With respect to the capital projects, again, the driving force has got to be, in my view, both looking at short- and long-term impact on rates and looking at rate equity and reliability. If none of those are going to be adversely affected, then I think we should be going ahead with a priority with projects such as—hydraulic is obviously the most desirable source of generation that we have. But it's a question of changing the mentality in Hydro from one of the past whereby they simply did everything they wanted to do and didn't worry about the size of the pit of money. It's now a question, I think, in terms of survival in the future, of being very conscious that it's not a bottomless pit, that there are lots of really good things we need to do, but just making sure that they're the right things to do and that they're affordable and that they don't adversely affect rates, reliability or the debt-equity ratio reduction target.

Mr Bradley: I shouldn't really ascribe to the government any ulterior or sinister motives, but there would be people out there no doubt who might think that one of the motives in the government agreeing to your appointment to the board would be to try to shut you up, since you've been such a critic of the government, and that's probably impossible, so perhaps more realistically to temper your criticism of government policy and of the chair of the board.

Mr John D. Murphy: That won't stop me.

Mr Bradley: Do you think that is perhaps one of the motivations the government would have in appointing you to the board?

Mr John D. Murphy: I don't. I'm trying to speak here for the government—I probably shouldn't be doing that—but if I were to guess and try and answer your question or try and speculate as to what the motive might be, I think it is probably more of a commonsense motive. If in fact you have a union and you have an employer like Ontario Hydro and if what's happening, as has been happening up to now, is that everything is reactionary—we find out, having lost thousands of jobs, that Maurice Strong is thinking about investing, buying a rain forest in Costa Rica—then we respond to that publicly and we get into a debate. I'm hoping what the government's motivation in supporting a nominee going forward to the board like that would be to give us an opportunity before those decisions are made to try and influence the board as to whether or not such decisions are healthy decisions.

I don't think the government thinks for a second that an appointment to the board is somehow going to stop any criticism that I will have of decisions I believe are not in the best interests of the people I represent or in the best interests of the ratepayers of the province.

Mr Bradley: So we can count on some of those excellent commercials continuing to appear on our television sets if you are unhappy with government policy.

Mr John D. Murphy: Absolutely. I think my responsibility as president of the union is going to be, if I'm going to do my job effectively, to make sure that I continue to try to inform the public around the issues that I think are important to them.

Mr Bradley: Many members of the present government, including members of this committee, are openly anti-nuclear. I was looking at your background. You come from that particular area. You've worked in that particular area. Do you think that nuclear generating in Ontario for the purposes of electric power does have a future, that we will continue to see it used, and do you believe that we will be building any further plants?

Mr John D. Murphy: I don't think we'll be building any plants for the immediate future, because of the surplus situation and the state of the economy in the province, but I do believe passionately that Candu nuclear power will be an ingredient in terms of our energy mix, new Candu nuclear plants. I don't think they'll be large-scale projects; I think they'll probably be single-unit projects.

For one, I would much rather see a Canadian product, like the Candu nuclear reactor, meet some of our future energy needs, to replace existing nuclear power plants, than see the province of Ontario purchasing a French or American-type reactor. I also think that the success of the Candu nuclear reactor is important because export of Candu nuclear reactors creates a lot of jobs, particularly in Ontario as well as across Canada. I think it's an important ingredient in our future energy mix.

Mr Bradley: You have provided for the people of this province some very informative television commercials indicating the opinion of the union on some government policy. Do you think that the commercials we have seen produced by Ontario Hydro, which are about six seconds long and seem to appear every six seconds, that

say, "The new Ontario Hydro," and show somebody with a balloon or something, are a wise expenditure of Hydro funds in the context of the financial situation facing Hydro? Would you, if you were sitting on the board, recommend that they not engage in that kind of propaganda?

Mr John D. Murphy: I've said repeatedly that that whole commercial, which is in every magazine I pick up, is constantly bombarded on TV, on bus stands—I don't understand those commercials. I think most people don't understand them. I think they're an absolute and total waste of ratepayers' money in the province. If given the opportunity, I would certainly be an advocate for calling for the elimination of those commercials.

Mr Bradley: I like you on the board already, you know, if I hear that.

The third is that the chair of Ontario Hydro seems to be very interested in investments offshore—the Peruvian investment, for instance. Do you believe that such investments are wise at this time, when Ontario Hydro has an already heavy debt and some difficult economic circumstances to face? Do you consider the Peruvian investment to be a prudent one at this point in time?

Mr John D. Murphy: I certainly don't support the Peruvian investment because I see the Peruvian investment as an equity investment, borrowing money to invest it in a Peruvian utility. The type of foreign investment that I do support strongly that I think would be advantageous would be to pursue the exporting or the selling of the skills and technologies we have within Ontario Hydro. But simply borrowing money to invest it in a utility like the Peruvian deal? It seems just crazy to be doing that.

1130

At the Ontario Energy Board hearings recently, Ontario Hydro admitted that in its transmission system across the province it was significantly cutting back on the amount of maintenance it was going to do. As a result, they were anticipating that the reliability was going to decrease, was going to get worse. But they were saying the reason they were doing that was driven by the need to reduce the deficit and keep the rates down. I can partly understand why they're driven by that in terms of wanting to accept that perhaps there might be a shift in reliability, but what I don't understand is, at the same time you're doing that, there somehow seems to be, according to the newspapers, anywhere up to \$200 million available for foreign investment. I think the priority has got to be to keep our own house in order.

Certainly I'm an advocate, as I said, of selling our skills and our expertise abroad, but I'm not an advocate of borrowing money in the province of Ontario, guaranteeing it by the Ontario government and using that money to help the Peruvian government privatize the utility in Peru. No, I don't support that.

Mr Bradley: Environmentalists, and indeed many members of the present administration at Queen's Park, have long been critics of the potential of Ontario Hydro building capacity for the purpose of exporting on a long-term basis. You will correct me if I am wrong, but I thought I heard you say that you are in favour of long-

term export of our power. It would seem to me that to do so, at least in the medium run, would take the construction of further nuclear capacity or stoking up the coal-fired furnaces in Ontario. Do you still advocate that, which was considered to be almost a cardinal sin just a few years ago?

Mr John D. Murphy: Yes, I do. The economy in Ontario and Ontario Hydro I think are absolutely tied together. I think Ontario Hydro can in fact be an effective engine in terms of driving recovery within Ontario.

For example, the Darlington nuclear power plant probably should not have been built with the design it had because it was too expensive. If we were going to build 20 Darlingtons, Ontario Hydro probably should have got into that, but when they didn't have that sort of demand, they should probably have simply photocopied one of the existing nuclear plants they had and built that type of plant, which they could have built a lot cheaper.

Despite the criticisms of Darlington—the new design, the excesses in terms of money that was spent on it—I really think that what sometimes gets overlooked or lost is that during the 10 years it was being built, it employed thousands and thousands of people in the province who spent a lot of money that kept thousands of other people employed. Unemployment is a fairly significant issue we still have in the province, and we have to look at impacts in terms of employment as well.

If there is an opportunity to keep an existing plant that's been paid for by the ratepayers open, employing people, paying taxes, helping a community that would otherwise be perhaps severely adversely affected, that seems to me to make a lot of sense in terms of pursuing these long-term contracts for the sale of power.

Mr Bradley: Are there any circumstances under which you would support the privatization of Ontario Hydro as a whole, or certain components of Ontario Hydro?

Mr John D. Murphy: I would support the privatization of Ontario Hydro or components if somebody could convince me and show me that it was going to be in the interests of ratepayers in the province. Everything I've looked at and have got consultants' reports on that we studied—it isn't as if nobody has ever done this and somebody thinks it's a good idea—everything we've seen from the experience in Great Britain and the American utilities indicates it's not in the best interests of ratepayers.

Even from a simple, commonsense perspective—everybody agrees that we've got to keep rates down, that that's key—the idea is telling ratepayers in the province, which is what privatization means, that on your electricity bill you're now going to have to pay somebody a profit because the private sector doesn't take over the production of electricity to operate as a non-profit enterprise, and in addition to paying somebody a profit, the tax-free status that Ontario Hydro has disappears, so the tax that has to be paid now gets translated back to the ratepayers who are paying the cost of electricity as well. The net result is higher rates, and I'm opposed to anything that's going to result in higher rates for the people of the province of Ontario.

Mr Bradley: Should Ontario Hydro—

The Chair: I'm sorry, Mr Bradley, and I apologize to Mr Cleary. There isn't any time left. Thank you, Mr Murphy, for your appearance this morning.

FRANCIS JOHN JARRETT

Review of intended appointment, selected by official opposition party: Francis John Jarrett, intended appointee as member, Review Board for Psychiatric Facilities.

The Chair: Welcome, Mr Jarrett. You and I both grew up in the same small town in England. Hardly anybody I've ever met in Canada came from Wallasey. That aside, this was a selection made by the official opposition party, so we will start the rotation of questions with them.

Mr Curling: Welcome, Doctor. First, I congratulate you for being selected—sometimes we say for being appointed—to this board. The board is going through some changes, as you know. While it's going through the changes, there are some staffing concerns, how the transition will be handled. I just wonder what impact this will have on the board—I'm not quite sure how familiar you are with the board in the past—what the new board will do without sufficient staff to serve this board. What impact would it have on the efficiency of the new board coming in?

Dr Francis John Jarrett: I must confess I'm not all that familiar with the new act. I assume you mean the consent, advocacy and substitute decision-making which will be added to the board's review process early next year.

Mr Curling: That's right.

Dr Jarrett: I would imagine that there will be many more hearings. For instance, I'm sure there'll be hearings, which right now are often confined to psychiatric facilities, in general hospital wards, in emergency rooms, possibly nursing homes. There'll be a great deal more work for the boards. I think it's difficult to say exactly how much, but I'm sure there will be a great deal more.

Mr Curling: So you do anticipate some additional work to be done. In any kind of transition period, governments especially have a way of believing that the same staff can do it when you need twice the amount of staff, one that goes out and the other coming in, to be efficient. Furthermore, as you know, I sat through the changing of the legislation, with the Consent to Treatment Act, the Consent and Capacity Statute Law Amendment Act and all that. It was quite complex to handle all these three balls in the air at the same time. You as a psychiatrist understand the process patients go through or the families of patients go through; the community will have a very difficult time in trying to understand how it works. If there's a message you are giving to the government of the day, and maybe I'm putting words in your mouth, would you say you would need some additional staff, especially now, in order to have that transition time?

Dr Jarrett: It's very hard to say because I think it depends on how it's going to be applied. I can't see how you could possibly have anything but an increase in the number of hearings. There'll be something quite new, for instance. As far as I know, the review board at the

moment doesn't have hearings for people in general hospital units. Consent is handled there without the need to refer to a review board. It's the same with the emergency room. But once the new act is proclaimed, there will inevitably be people in general hospital wards, surgical units, internal medicine units, the emergency room, who will be incapable of giving consent and who may very well need a full judicial hearing.

1140

Mr Curling: Governments in the past have handled this matter very poorly. I think this government is trying its best to handle the situation of outpatients, especially people who have mental problems. Many of them are on the roads or many of them feel they are not a danger to themselves, really, or a danger to anyone else, "danger" meaning in those categories.

As you watch this, and I'm sure you're concerned about this kind of procedure, do you think the new legislation will bring about any improvement to that—there is evidence walking on the streets every day down in the Parkdale area of the people with mental problems—about accommodation and whatever service they need? Do you feel an improvement will come about by this new legislation?

Dr Jarrett: I think, as with many other jurisdictions, when the Mental Health Act legislation is changed, what it tends to do is to narrow the criteria by which people can be detained. What that inevitably means is that more people are released from psychiatric facilities. If there's capacity to care for those people on an outpatient basis, say in community agencies, then I don't think it's inevitable that you get people wandering the streets. But unless capacity is put in place to care for people once they are released, then it's inevitable you do get people who are unable to care for themselves and yet are not considered to be a danger to themselves or a danger to other people. It's a very difficult balance.

Mr Curling: And that's the balance; I think you have identified that. Even though there are accommodations out there for them to go to, as soon as they "act up," or their behaviour becomes questionable, it's so difficult for the homes which are accommodating them, whether through the Habitat process or whatever process that puts them in that home. Those who are proprietors or care givers, those individuals, find it rather difficult to monitor, to administer, because of that cooperation. So when I say they are wandering on the roads, I was using the term itself. Yes, there seems to be a home, but the people are causing so much distress and problems for those individuals.

My long rambling here is saying, do you think there should be better cooperation with this new board and the care givers there, because those homes are then receiving some of the decisions you'll be making or are unable to make? I don't see any link there. Maybe I'm not reading it right. Do you think there should be much more cooperation so people don't find themselves wandering on the road because of lack of coordination?

Dr Jarrett: As I understand it, the members of the review board have, at least up until now, fairly strictly interpreted the law. If a person, for instance, is released

because he or she doesn't fulfil the criteria, members of the review board probably have very little knowledge about what happens to the individual after that time.

Mr Curling: I know one of the definitions you wrestle with is the definition about "potentially dangerous" persons. With your discipline, each individual is different; as they say, one never can tell if that person will react or act to be dangerous to oneself or the others there. Do you think that concept of the definition should change or should be reviewed more closely? I've known many, many cases where the police will not act because they are acting within that kind of a direction. The doctors will say, "I see no evidence." The doctors are not really living—you're doing a medical assessment, while these individuals are talking about an in situ assessment, really, seeing these individuals acting out.

Do you think that one should be addressing much closer about dangerous individuals usually reacting after the act, that more emphasis should be placed on what we call dangerous situations or dangerous individuals?

Dr Jarrett: As doctors, we're not asked to assess dangerousness per se. What we're asked to assess is whether somebody is suffering from a mental disorder and whether he or she has threatened to do harm to himself or to somebody else, or if somebody is apparently frightened that such dangerous behaviour will occur. But we're not asked, at least in the provisions of the current act, to assess dangerousness.

Mr Curling: My last question then, and I presume I've mentioned it before: Do you feel that it is working out there, where these individuals, mental patients who are outpatients, are adequately served with the structure they have and the accommodation that is being provided? Do you know anything about that? If you do, do you feel they are adequately served?

Dr Jarrett: I think the answer is there are many people who are not adequately served. I think there's a difficult link between discharge from hospital and follow-up care. I think that the capacity to care for people who are discharged, particularly from chronic care psychiatric facilities, is probably inadequate and it inevitably results in people slipping through the cracks. If they don't show up for appointments, then there may not be enough people to follow them to seek them out, and so inevitably there are many people who get lost to the system.

Mrs Witmer: It appears, Dr Jarrett, you are certainly well qualified for the position. You've had extensive training and experience in several countries, and certainly we appreciate that. It says here that you are a psychiatrist and you're also registered as a psychologist in Ontario. Can you just explain for me the difference?

Dr Jarrett: I'm sorry. If it says I'm registered as a psychologist, it's a mistake. I'm not a psychologist. Does that appear on my résumé?

Mrs Witmer: The summary that's been done does say that you are.

Dr Jarrett: No, I'm not a psychologist.

Mrs Witmer: So you're not registered as a psychologist in Ontario.

Dr Jarrett: No, I'm not.

Mrs Witmer: You're a psychiatrist.

Dr Jarrett: Yes, I am.

Mrs Witmer: Okay. I thought there might have been a problem, and obviously that needs to be corrected on the record then, Madam Chair.

The Chair: Thank you, Mrs Witmer.

Mrs Witmer: Okay. We've talked a little bit about the Mental Health Act and the fact that it's certainly been amended over the last 20 years or so, taking a look at the right of the patient, the consumer etc. Do you think that at the present time the balance, as you perceive it, between the need for effective treatment against the individual's right to be protected from potential abuses by psychiatrists—is it the right balance at the present time?

Dr Jarrett: The short answer is yes, I think it is. But the longer answer is that it depends tremendously on how individuals interpret the act. One of the things that I think physicians have to do is they have to recognize that in an act it's very difficult to account for every individual who will come before us. I know that I and most of my colleagues make individual interpretations of what the act means. I can give you examples.

Mr Witmer: I'd appreciate that.

Dr Jarrett: For instance, one of the things that we have to determine is, what does "mental disorder" mean? If we look at the definition in the act, it means "any disease or disability of the mind." That's really very difficult to get hold of because it doesn't correspond to our professional or scientific understanding of the vagaries of human behaviour. So each of us, when we are confronted with people, say, in the emergency room, has to make some sort of personal interpretation of what "mental disorder" means.

Similarly, there are words such as "apparently" and there are words such as "likely," that a person will likely cause harm to himself or somebody else, and again, that has to be interpreted. I know for a fact that it's interpreted individually. So how the act works depends to a certain extent on the wording but I think to a greater extent on how it's interpreted individually.

Mrs Witmer: By the individual practitioner.

Dr Jarrett: By the individual physician, yes. I think my observations over the years are that, in general, physicians have been very conscientious in interpreting the act, taking into account the balance of the freedom of the individual and yet the need for the person to be detained. I think the issue of treatment is a different matter, but the need to be detained, I think, is balanced against freedom.

1150

Mrs Witmer: I know from time to time I will have families contact my offices—I'm sure the other MPPs do as well—who sometimes question the detention of a family member and what have you. Do you think there are sufficient safeguards then?

Dr Jarrett: I think there are safeguards. My impression would be that there are many more complaints about not detaining family members than there are about detaining them unjustifiably. I work with the Ontario

Friends of Schizophrenics. As you perhaps know, they're very concerned about how narrow the act is and how it inevitably results in many people with serious mental disorders being allowed to leave hospital because they don't fulfil the narrow criteria.

Mrs Witmer: That's right. How do you think that can be improved? I actually dealt with a family whose son did end up committing suicide simply because there were not the restrictions there. What can we do? That's a very serious problem. What more can be done?

Dr Jarrett: I don't know. I think it's very hard, because what you would have to do is write something in legislation. When I think of my experience, I hope that what would happen is that physicians make their own judgement. I think they should be allowed to make their own judgement. I'm not aware that there's a great deal of a problem with physicians deliberately detaining people for their own interest. In fact, there's very little interest in detaining people against their will. What advantage is it to physicians? There isn't any. So I would say if possible, and this may not be possible, to have physicians given more discretion.

Mrs Witmer: Okay. There's concern from time to time about the ability to identify potentially dangerous persons. Obviously, psychiatry is not a predictive science. How accurate can you as a psychiatrist be, or any other individual, as to whether or not the individual is a potentially dangerous person? That appears to me to be very difficult.

Dr Jarrett: Well, it is. I'm more familiar with dangerousness to self; that is, about suicide. I've done several reviews of suicide and the risk of suicide. I think the short answer is that psychiatrists, psychologists, social workers, people in the mental health field, are really not that much better than a layperson, a person on the street, at predicting individual capacity or individual dangerousness. What we do know is we know a lot about statistics, we know about risk factors. But when you put together all of the risk factors, you might have 1,000 people who are judged to be at extremely high risk; only a very tiny, tiny minority of those will go on to commit anything dangerous.

I think it applies to all sorts of professions. In economics, for instance, we try and predict what people are going to do, but we are very unsuccessful at doing it. So I don't think it's possible to predict individual human behaviour.

As far as I know, with both suicide and harm to other people, the most reliable predictive factor is whether or not something dangerous has been done before by the individual. But if you're dealing with people who have never committed dangerous acts before, the predictive rate for professionals or non-professionals is extremely low, very difficult.

Mrs Witmer: Talking about suicide, have you done any study at all of teenage suicide?

Dr Jarrett: I'm aware of some of the literature, but I usually don't deal with people under the age of 16.

Mrs Witmer: Certainly it's been brought to my attention recently that there seem to be more young

people who are looking at that as an option.

Dr Jarrett: Well, if you look at the trend in suicide rates over the past 25 or 30 years, there's been a remarkable rise in suicide in teenagers and young adults. For many, many years, there used to be a linear increase of suicide rates with age, but if you look at the curve over the past five or 10 years, there's a big bump from 15 to 24. Indeed the rate for people in that age group has actually exceeded the rate for older people, which would have been impossible to contemplate many years ago. So it's a major problem.

Mrs Witmer: I know personally it concerns me. Do you have any ideas as to why this may be so?

Dr Jarrett: No, I don't. I know that several explanations have been given, such as the possibility of alienation, of greater demands, of lower employment opportunities, of teenagers coming out of school and finding that they have nothing to do, perhaps devalued, not considered to be useful in the workforce. One would have to assume that maybe some of those factors are operative, but I don't think anybody really knows.

Mr Gary Malkowski (York East): I'd like to congratulate you on your selection. I have a couple of questions. As you know, some psychiatrists have commented that the Mental Health Act is a worthless tool, or something like that, and I was wondering how you feel about that and what you feel about those comments on the act.

Dr Jarrett: I assume you mean the current Mental Health Act.

Mr Malkowski: Yes.

Dr Jarrett: I don't think it's worthless. I think there has to be a Mental Health Act. I don't think we could work without a Mental Health Act. Over the years it's been modified. As it is right now, I think it represents a reasonable compromise between freedom and the ability to detain people for their own safety and for treatment. I assume it will continue to be modified. I think we have to work with the Mental Health Act. I can't think of major modifications to the current act.

Mr Malkowski: Can you give me your personal opinion on patients refusing treatment such as electroshock therapy?

Dr Jarrett: Yes. I'll deal specifically with electroshock therapy. Electroshock therapy is now reserved almost entirely for people who have severe—that is, psychotic—depression, and by the very definition of “psychotic” it means that they are incapable of understanding reality. There are circumstances under which people are in literal danger of their lives if psychotic depression is not treated. Under those circumstances, I think it is fully justified that those patients can be given electroshock treatment, even if they don't appear to consent to such treatment.

Mr Malkowski: Tell me what you feel the serious side-effects are of electroshock therapy.

Dr Jarrett: There are risks in electroshock therapy. The most serious risk is the risk of the anaesthetic; that is, a non-specific risk of giving somebody a general anaesthetic. Other than that, we can document that there

are short-term—and I stress these as short-term—memory losses, usually in a patchy fashion, for the day or so before the treatment is given and maybe for a few hours after the treatment. Other than that, I would say dozens and dozens of studies of people who have had electroshock treatment have failed to demonstrate any lasting adverse effects of electroshock treatment. In other words, I am quite convinced that there are no lasting adverse effects or side-effects of shock treatment.

Mr Malkowski: How would you handle a situation where a patient actually refuses treatment and it is evident that they have the ability to understand and they have supporters from legal support or from survivors or whatever? How would you handle that, if a person refuses shock treatment when they are capable?

Dr Jarrett: There's no question. If a person is competent, there is just no question that we cannot give any sort of treatment, whether it's electroshock treatment, medication or anything else. There's no problem when a person is competent and refuses treatment.

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Mr Frankford: You've presumably had dealings with the board itself already from the other side.

Dr Jarrett: Yes.

Mr Frankford: I wonder if you'd like to make any general observations about how you feel it works or which ways you would like to change things.

Dr Jarrett: Actually I haven't had that much experience. I work in an acute care general hospital. Most of the patients who are committed under the act come in on a form 1, which is a 72-hour order. It's really unusual for us to then extend that to a form 3 and if we do, it's again extremely unusual for those people to appeal to a board. I've only appeared, I believe, twice before a review board. The last time was at the end of last year when I was involved on a person who we deemed to be incompetent and we wanted to administer treatment to. That was my last experience. In actual fact, that particular hearing worked out extremely well. The board found in the physician's favour. The patient later said that she had followed the proceedings and now thought that she would agree to have treatment anyway, even if the findings had not been in favour of giving treatment. So I've had limited capacity in appearing before the board.

Mr Frankford: I am a physician in my other life, but haven't practised lately. Can you comment on differences, if any, that newer drugs are making?

Dr Jarrett: Yes, I can comment on the drugs used for schizophrenia, for instance. We used to rely on phenothiazines and other neuroleptics, and there are two important drugs which have come along since, clozapine and risperidone. The value of those drugs is alleged to be that not only do they control the acute features of schizophrenia, but they're effective in treating the so-called negative features, such as withdrawal, indecisiveness and poor social skills. So, in a sense, these drugs, I think, represent a real advance. As I'm sure you know, they also have—at least, clozapine has—some dangerous side-effects which have to be looked for carefully.

As far as anti-depressants are concerned, we have a

whole new range of so-called SSRIs. They're no more effective than the old anti-depressant medication, but they have such a low side-effect profile that I think they're preferred by many people. They're also safer, so that if you're worried about giving a person anti-depressants who is potentially likely to die by suicide, it's much safer to give the newer anti-depressants because they're so safe that a lethal dosage has not been established, in many cases. I think they represent a real advance, not so much in their effectiveness but in their safety.

Mr Frankford: So one can only say they've made a striking impact on the mental health mobility out there.

Dr Jarrett: They have indeed. It means we can often treat people on an outpatient basis whom we used to have to admit to hospital. So yes, I think that they're a real advance.

The Chair: Thank you, Dr Frankford. Thank you also, Dr Jarrett, for your appearance before the committee this morning.

Just before we adjourn for the noon break, I would like to bring to the attention of the committee a small house-keeping matter, which is that there were three selections approved by the subcommittee whose status I want to advise you of.

One selection was for Mr William (Bill) Glennie to the Muskoka District Housing Authority. He has since withdrawn his application for and interest in that position. Another is Vivienne Poy, University of Toronto Governing Council. She is out of town on vacation from July 29 till August 8, 1994, inclusive. Ms Poy was a selection by the government party. Another selection, also by the government party, is Veronica Sims, to the Commercial Registration Appeal Tribunal. She's out of the country on vacation from July 21 to September 11, 1994, inclusive.

I would like to ask the government members, since they were both your selections, if it would be acceptable to you that those two appointments go forward to be confirmed by the secretariat, since the committee can't schedule them within the time frame that we had planned to. We have the option of scheduling them later or just letting the appointments go ahead as confirmed.

Ms Harrington: Madam Chair, on behalf of the government members I would ask that their appointments proceed without this committee.

The Chair: Thank you very much; that's excellent.

The committee recessed from 1206 to 1403.

ELLEN VERA ALLEN

Review of intended appointment, selected by third party: Ellen Vera Allen, intended appointee as member, Toronto Islands Residential Community Trust Corp.

The Vice-Chair (Mr Allan K. McLean): The first review this afternoon is Ellen Allen. You have the opportunity, if you would like, to have a few opening remarks or to go right into questions.

Ms Ellen Vera Allen: I'd like to go right into questions.

The Vice-Chair: Mrs Marland, you will be the first, for 10 minutes. If we can get the clock going, we're in Biscuit City.

Mrs Margaret Marland (Mississauga South): Ms Allen, I'd like to ask you at the outset what knowledge you have of land trusts.

Ms Allen: I became aware of them a number of years ago, through, actually, my connection with the co-op housing sector. There is currently a land trust that's been formed called Colandco or Codevelco, which holds lands in trust on the co-ops that are being developed in Toronto, and that was probably my first direct exposure to it. I have heard of other land trusts, such as the one in Burlington, Vermont, and so on where there are municipal land trusts and things like that. So I've heard of the concept before.

Mrs Marland: It's not an area you've worked with, though?

Ms Allen: I personally haven't developed a land trust or anything like that, no.

Mrs Marland: Are you a resident currently on the Toronto Islands?

Ms Allen: No.

Mrs Marland: You're not. This address—I don't want to read it into the record, for your privacy purposes—the appointments information form has a phone number. The first three digits are 260. Is that your office address?

Ms Allen: No, that's my home address. I live down at Harbourfront, in that area, so that's why it's similar, I guess.

Mrs Marland: Okay. I have it here, but I don't want to read it into the record.

How do you feel, as an architect, about the future of the Toronto Islands? What do you see as the future of the Toronto Islands? Obviously, as an architect, you also have a lot of knowledge in land use because you design structures to go on land, so I just wondered if you could tell us what you feel about the future of the Toronto Islands. Do you see them as a local resource or a provincial resource, and do you see them as recreational parkland?

Ms Allen: I see them as all of those things, basically. That's the way the islands have historically been. I can remember my father telling me about how he used to do ice boating on Toronto harbour when he was a young man and went over and visited people who had cottages on the island. That kind of connection between people who either summer or live on the island and people who are living in Toronto itself is part of the richness of what we have as a city, that there is this amazingly adjacent parkland which is available for the whole city and, for that matter, for the region, for anyone throughout.

Also, it's gone into some of the cultural aspects of our—I wouldn't really call it a myth, but for example, there was a movie that came out I guess in the 1960s. It was a very small movie called *The Violin*, which told the story of a young boy who went over to the island, to these mysterious little houses on the island, and had violin lessons from a man who lived there. I think everyone has that kind of mythology of a very special community there.

It would be spoiled, I think, if it became too large,

because it would just become another suburb and so on, but I think that if it's large enough so that it can maintain itself as a community, then it will continue to add to the richness of Toronto as a whole and Toronto as a part of the overall Ontario region.

Mrs Marland: I agree with you that it is an amazingly adjacent parkland.

Would you describe yourself as an environmentalist?

Ms Allen: Yes, I would say I definitely am interested in it. I try to apply its principles.

Mrs Marland: I'm asking these questions as an environmentalist. As an environmentalist and as an architect, how do you feel about building on environmentally sensitive areas in the province in general?

Ms Allen: As an architect, we have occasionally had sites that were adjacent to, for example, a creek or something else like that where we have had to work in great partnership with the conservation authority or the Ministry of Environment and so on, so that we become aware of the kinds of things you can do and the kinds of things you can't do when you are in an area that's sensitive. You have to be aware of the possible effects and be aware of the effects during construction of anything that's new, as well as the overall long-term effects of that construction.

Mrs Marland: So you're used to working in partnership with conservation authorities, as you've just said.

Ms Allen: Yes.

1410

Mrs Marland: The responsibility of conservation authorities, as you've also said, is to be aware of the effects of construction close to environmentally sensitive areas. So how do you feel, having that viewpoint, about Bill 61, that excludes the Toronto Islands property from all the requirements for development elsewhere in the province in terms of environmentally sensitive areas? For example, the Metropolitan Toronto and Region Conservation Authority has very strict requirements for development in wetlands and environmentally sensitive areas within its jurisdiction, and yet Bill 61 excludes any further development on the islands from any of those requirements. How do you feel about that personally?

Ms Allen: I was under the impression that the conservation authority was being consulted closely with this, that they were able to bring their input and have it on the table, so I think that's still part of the process.

Mrs Marland: But you know that there is a \$4-million sea wall being built in order to stop the flooding in the low, wetland areas on the islands so that they can—I mean, a road, for example, that floods right into August is now to be protected by this \$4-million sea wall in order that they can build houses in that area.

Ms Allen: I was under the impression that the sea wall actually had to do with a much larger area and a much larger effect than just the area where the housing—the area of the housing is a relatively small area relative to that whole extent of seawall.

Mrs Marland: Are you familiar with the site plan?

Ms Allen: Yes, and I've seen the parts that have been

published in the paper and so on, of the extent of it, yes.

Mrs Marland: If you're going to sit as a member of this Toronto Islands trust, I would have hoped that they would have told you what that commitment meant, because you're obviously going to be dealing with a pre-existing controversy because of the fact that houses are being built in ESAs, land that has been designated by the Ministry of Natural Resources and the Metropolitan Toronto and Region Conservation Authority as environmentally sensitive areas. What I'm trying to extract from you is what your role will be based on the fact that you are an architect and an environmentalist. What's going to happen to those areas with the addition of 120 new homes?

Ms Allen: I think that being in a position of having information about it, what I would want to do is to make sure that everyone was being circulated, that the information was coming in, that the site plans were being reviewed so that the expertise that's available was being integrated with the design.

Mrs Marland: You said you've been aware before of being part of a partnership with conservation authorities. Would you have a concern to know that the MTRCA has been blocked from input to express its concern about building in wetlands? Would you agree with building in wetlands and ESAs on the Toronto Islands when you can't build in wetlands and ESAs in other places in the province?

Ms Allen: I'm not an expert on this so I would want to get more information. I would want to find out what their opinion was. I would say that as a member sitting on the Toronto Islands land trust, I would want to make sure that information was coming forward, and if there was some kind of problem which could not be resolved, then that kind of information is what has to come before that committee to be able to look at all the information that's there.

Mrs Marland: Do you think the Toronto Islands should be treated differently?

Ms Allen: No. I think the Toronto Islands are a part of our heritage and so on. I think they deserve to have all of the expertise that can possibly be brought to that development.

Ms Harrington: I believe that the Toronto Islands are a very special community. I very much enjoyed going out there last summer for a day. My daughter went out there just last week to Caribana and also to do rollerblading.

Mr Bradley: Did she get a chance to buy in, or no?

Ms Harrington: What strengths do you think you would contribute to this board?

Ms Allen: I've been an architect for however many years. I think it's in the résumé there. I've done a lot of development in co-op housing and development of that kind of scale of project, where you have up to 150 units of new things that are going in, how they are integrated, how the community can develop as a whole around it and to be able to look at the land development issues as well as the design issues and so on that all must be taken into account.

Ms Harrington: I want to get back to the planning

process that was raised. Do you believe there should be some streamlining of the planning process, of the approvals process across this province?

Ms Allen: Yes, if at all possible. I appreciate the reasons why the planning process has developed the way it has. I know I have spent a lot of time and a lot of various clients' money appearing before the Ontario Municipal Board about planning processes that took time and money, when in fact if the process could have been streamlined the conflicts that needed the board to resolve could have been resolved a lot easier.

Ms Harrington: While we are trying to streamline the planning process for the good of our economy and many other things, how would you see that we could ensure that environmental issues are a very valid part of that process, maybe the most important part of that process?

Ms Allen: I think what Ms Marland was talking about is true, that those agencies that have the expertise that must be brought to it should be circulated, their comments should be brought into the process. It should be possible that all of that expertise is brought in, as it is in any other development. Admittedly, in an ordinary planning process it's handled by the municipality, and in this case it's handled by the minister, but the same sort of thing happens in that the information comes in and your professionals integrate it with the design.

Ms Harrington: Information can be brought in and not listened to. I want to assure that it's brought there.

Ms Allen: That's part, I guess, of what the land trust should be looking at as well, trying to make sure that stuff is dealt with properly and that if you are taking responsibility that way, then you have to live up to the responsibility.

Ms Harrington: So it must be an integral part of this process, and you would push for that or ensure that?

Ms Allen: Sure, yes.

Ms Harrington: I just want to say, finally, that I know of one building at least that you have designed in the city of Niagara Falls. I'll pass to my colleague.

Mr Rosario Marchese (Fort York): Ms Allen, just a few statements I want to make before I ask you a question or two; one has to do with the Planning Act that Ms Marland has raised. We discussed this at length during committee. I think Mr Curling was there at the time, and I'm not sure who else was there. Mr Stockwell spoke at length on this issue and many other issues. Part of the comment that was made is that in order to facilitate speedy resolution of this issue, we in a sense transcended the Planning Act as a way of speeding it up, but it was not intended to avoid Planning Act principles.

I support that. I don't think we should be taking something over that says, "We will undermine the Planning Act." If that was the intent, I'm not sure that many of us would simply say, "Yes, that's what we should be doing," because that sets a terrible precedent in general.

1420

We've understood everyone to understand that the ministry would be working hand in hand with the planning people of the city of Toronto and that the

principles in general under the Planning Act would be abided by. You probably would agree that no province has the right to simply say, "We'll take that over and we'll simply disregard the Planning Act rules." Would that be your opinion as a member?

Ms Allen: Yes, definitely.

Mr Marchese: I would think so.

In terms of the sea wall, I know Ms Marland again says that there's a \$4-million sea wall that is being built. Money was set aside for many things, and part of it is the sea wall. The sea wall, when we spoke of it, was not necessarily to make sure that we prevent flooding for the new housing or that that was its purpose. Part of it is that, yes, it may need repairs. I don't think anybody's yet been convinced or that there has been evidence to show that the sea wall needs to be torn asunder and something rebuilt. Repairs probably should take place. But I simply wanted to make the point that it's not a \$4-million sea wall we're building, and also to make the point that the land areas are not in a floodplain. Reference has been made to that by Mrs Marland and many others, and I think it is for good political reasons that they raise this because it makes sense to do so politically, but it's simply wrong. They're not on a floodplain.

Mrs Marland: A point of privilege, Mr Chairman. I hate to do this, Rosario.

The Vice-Chair: Mrs Marland, what's your point of privilege?

Mrs Marland: My point of privilege is that you cannot impute the motives of another member. In your last two sentences, you are imputing my motives for raising the concerns I have, and I would appreciate if you would not continue to do that.

The Vice-Chair: Good point. Carry on, Mr Marchese.

Mr Marchese: When I make the statement that the land areas are not floodplain, that is the statement I make. When others make other statements, you and others will have to judge them on that basis, but that's my information. I suppose once you're there as a board member you'll have a better idea of what it's all about and you'll be able to use your judgement as to how to deal with some of these issues.

The question I want to ask you is—I'm not sure whether Ms Marland had asked—are you familiar with land trusts in general, and if you are, can you speak to some of your knowledge around land trusts, some of the benefits that you think can accrue to the public?

Ms Allen: The most obvious benefit is that it's a tool which is now being explored and has been used in other instances. It's a way of controlling speculation, basically, on land, and I would think that in an area like the islands it would be ideal, because it would be so easy for the land costs and so on to escalate beyond the scope of the existing community to continue to live there. By using the land trust as a means of ensuring that the land itself is held as a common resource, basically, for the city, for the province, you're preserving something while allowing people the possibility of housing and living at reasonable rates.

Mr Marchese: I'll move on to a different question.

There are a lot of conflicts on the island between islanders. This is a very new concept as well, and that in itself will bring about many problems that have to be resolved. What is your experience in conflict resolution and how do you think some of your skills can benefit them there?

Ms Allen: As an architect, you usually end up having to mediate or be able to deal with large groups and committees, to deal with municipal officials and other government regulatory agencies, the client, the neighbours, the works departments and so on, who all have what might at one level seem to be conflicting desires and aims. But if you manage to get everyone to sit at the table, you can eventually build consensus. It's a more time-consuming process, but it's worth it in the end, because people feel they've all won in that situation.

Mr Curling: Welcome, Ms Allen. I want to correct the record. You were saying I was there for the discussion of the Toronto Islands. I wasn't there. I think you sort of presumed. I just want to make the record clear.

How many people now is the population of the islands? There are about 640, they say?

Ms Allen: Something like that. I'm not entirely sure.

Mr Curling: And they intend to expand.

Ms Allen: Yes.

Mr Curling: And the manner in which they intend to expand is what you, as a member of the board, will be responsible for, what type of buildings go up. I understand there is a co-op type of buildings.

Ms Allen: Yes, I think it's called Flying Toad Co-op. I understand that one of the design criteria would be that it conform to the scale and type of building which is currently on the island, so it would be very much a low-rise.

Mr Curling: Would there be any other type of building put there, housing concepts?

Ms Allen: No. I would think it would probably be the type of building—and I know that it's been proposed on the island in the past—where each building looks as though it's a house even if it has several units in it, so that it doesn't look like row housing that you would find in a more urban setting. It would look more in keeping with the style that's there now.

Mr Curling: I wasn't thinking of the style of housing. I was just thinking about the concept. Is it co-op, or will the private sector be given an opportunity to build on the island?

Ms Allen: As far as I know, the only thing that's happening right now is that there are, I think, a few pieces of land that are being brought forward as part of the development as well, which would all go into the land trust and would be leased to individuals, and then there'd be the co-op.

Mr Curling: My understanding of the role of a member would be those who will approve the co-op housing to be built there. That's why I was wondering if there is any other concept of buildings from the private sector, but it seems to me it's only co-op.

When the co-op is built, who selects the individual

residents who shall live there? Those residents will be ones who will be coming from outside the island, of course, who would be living there. Who will do the selection? Would that be the committee here?

Ms Allen: Normally when a co-op is formed—I'm speaking from my experience with other co-ops—the selection is done by the founding board of the co-op. The co-op is made up of its own members, so the founding board is part of the co-op, and they begin a selection process to select people who would live with them as part of the co-op.

Mr Curling: So the co-op members will be solely members who live on the island.

Ms Allen: Or who plan to, I guess.

Mr Curling: Firstly, the membership here are all residents of the island.

Ms Allen: I'm not sure if the co-op is currently formed of—it wouldn't necessarily be people who are now living on the island. It could be people outside the island even now, because the co-op has no physical form yet. It could be people from anywhere who would form the board.

Mr Curling: The reason I'm asking you is that of course the island's population will increase. If it's increased, it will be people from outside the island.

Ms Allen: Yes.

Mr Curling: The people who are selecting them would be the members on this board—

Ms Allen: I assume.

Mr Curling: —or a section of the board who are members of the co-op. I'm just assuming that's the process it will be. They would not be one and the same. In other words, the membership you are being placed on now and the co-op would be two different types of membership.

Ms Allen: Yes, as I understand it.

Mr Curling: And the co-op membership would be those on the island, but you say you're not quite sure about that.

Ms Allen: The people who live on the island currently are one group and they would continue to live in their houses and they would not be part of the co-op. The people who would be living in the co-op may or may not currently live on the island, but they would be the founding board who would be selecting people who would live there.

Mr Curling: I understand that, because if you're going to expand it, it couldn't be people who are actually living on the island. They would come from off the island. But I just wanted the selection process.

My concern too, you see, is that even co-ops today, which serve the community, seem to become rather elite clubs now and are hard to get into and all of that. There are lots of complaints in that regard. I know many people would love to live on that island and I just wondered if that co-op membership board—who would be the members there, whether or not it is solely people from the island who will be forming the co-op, or if it will be people outside.

Ms Allen: I'm sorry, I don't really know the answer to that one.

1430

Mr Curling: You don't know what extent of growth of population they're estimated to have on the island?

Ms Allen: There are 100-odd units that are being built in the co-op, I believe, so 300, 400?

Mr Curling: Yes, so that would average about three or four per home.

Ms Allen: I would think.

Mr Curling: So the growth might be about 400.

Ms Allen: Yes. There are figures available somewhere. I'm not quite sure what the actual numbers are.

Mr Curling: You don't know if they ever pursued whether or not building the co-op would be less expensive than having a private sector building there?

Mr Duignan: This is a new philosophy here.

Mr Curling: No philosophy; it's a matter of fact.

Mr Duignan: Sorry, I apologize. You don't have a philosophy. I shouldn't offend—

The Vice-Chair: You're out of order.

Mr Marchese: Yes, let Alvin have his time.

Mr Curling: You don't even have a fence to sit on.

I'm sorry about that. That's apart. You may not be able to answer that too. It's not really your fault.

Ms Allen: The private sector actually does build the co-op. The co-ops are built by the private sector. Their mortgages are held by the private sector. They are developed with the assistance of the Ministry of Housing and with ongoing subsidy to the housing charges to the individual members, but the private sector is what does it and it is done under a competitive bid process, so that all those things go into that development process.

Mr Curling: Do you have any comment at all about how fast the island should grow, how many people? I know it's going to have about 110 new homes on there. Do you have any comments about that? Do you see this as a positive move?

Ms Allen: I think it's probably the only way that kind of development can reasonably take place. There are many different models. You could say, "Perhaps only a couple of units every year ought to be built," but I don't think that would be a very practical way of doing it, of increasing the population of the island. A co-op becomes a process which does help the integration, because there's a lot of community development that's part of that, so that would probably help the process.

Mr Curling: You see the government is quite supportive in giving—they woke up as I said that. The fact is that as you increase the population there, you have the transportation back and forth. Is there strong reassurance that this will happen as we develop, that transportation back and forth to the island will be there, or is that still under negotiation? Or is anything in place?

Ms Allen: I'm sorry; I don't really know.

Mr Curling: Are you confident that will take place itself?

Ms Allen: I think it would be very amusing—well, it

wouldn't be amusing, but I can imagine that the people who are on the island would probably want to have the services they would need in order to be able to live there.

Mr Curling: Quite a few things the things the government has done are quite amusing anyhow. I just hope, as we impact or increase the population on the island, that the services are there to support that.

I want to wish you well on the committee. Some of the challenges are there, and the ongoing kind of interest you've shown in the island will be watched very closely. Thank you for coming.

The Vice-Chair: Thank you for appearing before the committee.

KEVIN BROWN

Review of intended appointment, selected by government party: Kevin Brown, intended appointee as member, Council of the College of Chiropractors of Ontario.

The Vice-Chair: Next we have Kevin Brown. You have the opportunity to make an opening statement or we can go right into questions, whichever you would desire.

Mr Kevin Brown: I would like to thank everybody for allowing me to stand in front of you today.

Mr Frankford: Good afternoon. What has interested you in taking up this position?

Mr Kevin Brown: I think the simple answer would be for professional and personal advancement. From a professional standpoint, from my résumé, I'm with the Workers' Compensation Board now. I've always been very interested in policy issues and investigations and teamwork in developing regulations—in this case it would be regulations—or being part and parcel to the development of the regulations. From a personal standpoint, for the last while I've been rather interested in the turn of events that have been taking place with the Ministry of Health and the changes that have been taking place. I currently believe there are further changes that do have to take place, and I'd like to be part of that.

Mr Frankford: Have you looked at chiropractic, and can you tell us any sort of problems or characteristics or things that you think should be looked at?

Mr Kevin Brown: I know that for a long time now the chiropractic profession has not been considered at the same level as other medical professions. I do realize that there's a lot of thought and research that has been going into this recently. I think that's good. I know there's also a lot of talk and thought going into the billing practices, what OHIP pays for, what they don't pay for, the separate billings, stuff like that.

My own belief is—quite recently with my work at Workers' Compensation, I find the sports medicine outlook is much preferred to the conservative medical dealings, such as, "Take some Aspirin, rest in bed." The sports clinic methodologies are more, "Get active, do this, do that." The chiropractor involves, with the spinal manipulations, the active recovery as opposed to the passive.

Mr Frankford: I guess we're going to see competing philosophies of health and health care. Do you think that's a good thing or do you think there is something

which can be done to change it so that it's a more cooperative model so that it's clear what a physiotherapist does, what a chiropractor does, and we can get rid of or minimize the competition and the potential turf battles?

Mr Kevin Brown: I'm not sure that competition is a bad thing. I think competition probably keeps a lot of people on their toes, so to speak. I think actually competition is quite a good thing, to be honest. I don't see a problem with the competition as such. I don't think there should be duplication of services. I think with further enhanced competition, and depending on how it all works out in the end, hopefully it'll end up saving money as opposed to costing money.

Mr Frankford: Maybe one should have some sort of unified payment system. If there's competition relating to how payment is made, perhaps that would have some deleterious effects.

Ms Harrington: I note in our briefing here that the College of Chiropractors has the duty of ensuring that appropriate standards of practice are maintained for the profession. Does this mean that you would sit in a judgement capacity if people were accused of not performing their duties up to a certain standard?

Mr Kevin Brown: Yes, it certainly could, depending upon which committee I was on.

Ms Harrington: Do you think that OHIP should pay the full cost of the service?

Mr Kevin Brown: The council doesn't have really anything to do with that. It's not directly responsible for that. Before answering that, though, I would have to do a lot more research. I do know that there are pros and cons to OHIP paying the full cost. The downside obviously is the increased cost for OHIP. However, if—and I say "if"—by paying the full chiropractor's cost it reduces the number of people requiring general practitioners, therefore offsetting the costs, and if they do balance or lessen the overall costs, then it would be beneficial. That, though, I don't have the numbers or the figures to support. It would have to be reviewed further.

Ms Harrington: Has your experience and your background with the Workers' Compensation Board led you to believe that chiropractors are a very valuable service? What's your opinion?

Mr Kevin Brown: For certain modes of treatment, most definitely. Spinal manipulation: Not personally, but from my clients I have seen some tremendous results. I recognize that there are other elements that chiropractors treat as well. The impact, I haven't really formed an opinion on. I do have the opinion on the spinal manipulations, though, and I'm quite convinced that there definitely can be some short-term improvements with injuries.

1440

Mr Malkowski: Just a follow-up: Could you outline your work with the WCB and also your VR services and perhaps other work with other agencies and how you think this would be helpful for the council in this public position?

Mr Kevin Brown: Outline my work with the WCB and other agencies? I'm sorry, do you mean medical agencies?

Mr Malkowski: Yes.

Mr Kevin Brown: As a vocational rehabilitation manager right now, any of the vocational plans and objectives that we set are directly impacted by the medical conditions of our clients. In many, many cases, my involvement with our clients, our injured workers, also has involvement with their physicians, chiropractors, psychologists, physiotherapists or occupational therapists. Through that involvement, I feel that I would be able to offer something to this committee.

My own experiences, my own skills that I've developed, whether they be team playing, leadership, communication skills etc, I believe also would be an asset if I were to be accepted to this position.

Mr Bradley: Perhaps you could help me out. I'd heard a rumour that you might be able to help me out and I don't know if it's true or not. It's hard sometimes to comment on them. Have you heard whether or not one of your fellow appointments will be Dr Morton Shulman?

Mr Kevin Brown: I have no idea.

Mr Bradley: You hadn't heard that?

Mr Kevin Brown: None whatsoever.

Mr Curling: You said chiropractors do have some worthwhile treatment. You know they're not paid their full payments under OHIP. Would you ever recommend that the government should be looking at paying full payment for treatment through OHIP?

Interjection.

Mr Curling: What about Liberals? Liberals want to go to chiropractors too, yes.

Mr Kevin Brown: I'm sorry. I heard the first part, not the last part.

Mr Bradley: It's an aside.

Mr Kevin Brown: As I said earlier, I have the opinion, as a member of the council, that we have no impact on that decision, on whether they bill OHIP. That's something completely outside the council's authority.

Mr Curling: They would not make any kinds of recommendations at all?

Mr Kevin Brown: That's done through OHIP.

Mr Curling: But wouldn't the billing procedure and how it is done—would there be some role that the council plays? They make no recommendations at all to the government?

Mr Kevin Brown: It's my understanding that opinions may be asked of it. If you're asking me for a personal opinion on it—

Mr Curling: No, no. Once you're appointed, your personal opinion becomes—that's why they're putting you there. They think that as someone from the public—I think they sort of describe you here as something like that—they expect you to contribute in that sense, and that you will be listened to.

Mr Kevin Brown: Absolutely.

Mr Curling: Do you feel that your contribution will be listened to then? Maybe we can start from there.

Mr Kevin Brown: I would hope so.

Mr Curling: Yes. Having been listened to, the government will take it seriously? The council then reports to the government. You feel that the recommendations—talking about full payment to chiropractors—would never be something that would be discussed.

Mr Kevin Brown: My understanding is, that's outside of their realm. However, were that to be something that was discussed in the council and that an opinion was asked of us on, as I mentioned earlier, there would be a number of factors I would want to look at. I would want to look at the impact on the OHIP costing and how much it was going to cost by paying the full benefits, because we're already in a deficit. It's not something where you'd want to add on another cost. However, I'm aware that when midwifery came out, there were substantial savings to OHIP, because obstetricians cost approximately \$500,000 a year whereas a midwife costs \$50,000 a year, so accepting midwives into OHIP reduced expenditures substantially. If something similar with the chiropractors was to occur, then I would be for it.

Mr Curling: I think I'm hearing you. I'm having a little bit of difficulty. With the acoustics in here, it's very difficult for me to hear you.

Many students have come to me in my constituency office. They want to get into chiropractic college and they've had difficulties. I have not looked into it with any intensity at all, but I've had quite a number to be of some concern. Have you been hearing that at all, that people want to get into chiropractic college, quite a few people, women and some visible minorities? Have you ever heard that concern at all?

Mr Kevin Brown: To be honest, I have not heard the concern but I can appreciate the concern.

Mr Curling: You see that concern is there somehow, though, so you can understand the concern.

Mr Kevin Brown: Yes.

Mr Curling: Do you think it exists?

Mr Kevin Brown: I'm sure it would exist in certain sectors, yes.

Mr Curling: I just pass that on to you, and again, want to wish you the best in your position on the council.

Mr Malkowski: Excuse me. Could you just repeat what you were saying. I wasn't able to hear your last comment. Could you repeat that?

Mr Curling: I was just thanking him and for being selected to serve on the chiropractic council.

Mrs Marland: Mr Brown, you said something a few minutes ago in one of your answers that really concerned me. When you were being asked about the role of the council vis-à-vis what services were available through OHIP, you said it was outside its authority.

Mr Kevin Brown: That's my understanding, yes.

Mrs Marland: I'm looking at the public appointments secretariat form. It's an information form that defines the responsibilities of the position to which you have been appointed. It says, "The council regulates the profession of chiropractic in the public interest by ensuring that individuals have access to services provided by competent health professions of their choice, and that individuals are

treated with sensitivity and respect in their dealings with health professionals." Would you not agree that to ensure that individuals have access to services provided by competent health professionals of their choice, those patients are going to have to need access through OHIP in order to have that service ensured?

Mr Kevin Brown: I think my original answer was probably poorly stated. What I was referring to is that the billing practices and the regulating of the billing is outside the realm of the council. It is in all likelihood that opinions would be sought through the council regarding some changes. Are you asking me if covering fully by OHIP would be in the public interest? Is that your question?

Mrs Marland: The responsibility of the council is to ensure access to services. I'm asking you how you could ensure that access if somebody can't afford to pay for it other than through the government health insurance.

Mr Kevin Brown: That certainly is one way of looking at it, definitely, but there are many other factors I would have to consider prior to coming to a definite opinion.

Mrs Marland: How could you ensure their access in some other way, other than them having to pay for it themselves? What other way is there? Either they pay for the chiropractic service or the government health insurance pays for it.

Mr Kevin Brown: There's a mixture, as there is right now. There's a split costing, as there is right now, OHIP paying part of it, just as it does with some physiotherapy or sports clinics or psychologists.

1450

Mrs Marland: What I'm concerned about is you're being appointed to a council whose responsibility is to ensure access. If the patient can't afford it, how are you going to ensure their access except by the health insurance providing it for them?

Mr Kevin Brown: I'm also being appointed to the council where I'm looking at what's in the best interests of the public as well. If OHIP goes broke because of paying for everything, then it wouldn't be in the best interests. I'm not saying that I'm against it, by any means. What I am saying, though, is that I would have to look into the various factors. I would want to have more information prior to coming to an opinion that OHIP should pick up the entire cost.

Mrs Marland: But you're not being asked to look at this as though you're the Treasurer of Ontario; you're being asked to look at it to provide competent health professions of their choice. The responsibility of the council is to ensure that individuals have access to those services. It's not the responsibility of the council to decide who can afford it.

Mr Kevin Brown: No, it's the responsibility of the council to determine what is in the best interests of the public, correct.

Mrs Marland: I would say that for persons, individuals who need competent health professional treatment, that is what you have to ensure. I am asking you how you would do that, and you said there are others way of

doing it. I'm asking you, what are the other ways?

Mr Kevin Brown: What I was referring to there is that there are other treatment modalities that are available.

Mrs Marland: Other what?

Mr Kevin Brown: Treatments that are available, whether they be through chiropractors, through general practitioners, through physiotherapy or occupational therapy.

Mrs Marland: But it's a profession.

Mr Kevin Brown: That's right.

Mrs Marland: You said it's outside their authority as to who pays for it. I'm just asking. Anyway, I guess I'm not getting through.

Mrs Witmer: First of all, you've indicated here, in summarizing your credentials, that you have been able to effectively deal with some complex medical and vocational rehabilitation issues. I'd just like you to explain what type of issues those were.

Mr Kevin Brown: As a vocational rehabilitation manager, one of my counsellors, as an example, has a very specialized case load. His case load is compiled of injured workers who have multiple injuries, for lack of a better term. They may come to us with a broken arm or an injured back but since the injury they've also developed a chronic pain disability, for instance, or some psychological factors that are barriers to their re-employment or barriers to their rehabilitation.

What I've done is set up a project or a process wherein the practitioner, psychologist, occupational therapist and physiotherapist, as well as the work-hardening program, for instance, obviously with our client and the counsellor, all combine to rehabilitate the individual.

With workers' compensation, if it's a broken arm, you can take an X-ray and there's the break and it's very easy to determine what the medical problem is and how long the healing process will take. With other, more subjective injuries that involve pain, for instance, it is a lot harder to determine and becomes a lot more complex. Therefore, by bringing together all the different personnel, the different physicians etc, as I've mentioned, we can hopefully come to, and we have, very successfully come to some positive conclusions, returns to work.

Mrs Witmer: What are you presently doing?

Mr Kevin Brown: Right now, I'm a vocational rehabilitation manager.

Mrs Witmer: With?

Mr Kevin Brown: Workers' Compensation Board.

Mrs Witmer: Actually, that's the area I deal with and I'm not sure if that's complex or not.

I'd like to take another look at your desire to become involved as a public member of the council. What do you think are going to be the difficult issues that you're going to face during the period of your appointment? We've talked a little bit about the OHIP coverage, but what are the real issues that are going to be facing this council that you're so keen to become a part of?

Mr Kevin Brown: It would greatly depend on which

committee I was part of. The disciplinary committee—it's going to be a great challenge going through the disciplinary functions—

Mrs Witmer: Why would that be a challenge?

Mr Kevin Brown: Because of all the investigations that would be required to get to the bottom line, to get to the determining factor as to whether or not someone was guilty of anything, whether or not the person was guilty of what they've been accused of.

Mrs Witmer: Do you think that's going to become more serious, the disciplinary side of things, in the future?

Mr Kevin Brown: That, I think, will depend greatly on the number of chiropractors. And, as we've spoken of the access to chiropractors, the greater the numbers, the more complaints.

Mrs Witmer: What other issues do you think will be important?

Mr Kevin Brown: If we were to become involved in the billing aspect, that certainly would be, although we still have that. Sexual abuse is certainly one that would be of high profile and, I'm sure, extremely difficult to deal with. It would be a challenge.

Mrs Witmer: What do you think your greatest contribution can be as a public member of the council?

Mr Kevin Brown: My greatest skills with my job right now are policy interpretation and policy implementation. Cutting through the bureaucracy, I think, is something that I have a flair for. Working with the Workers' Compensation Board, there is a great deal of bureaucracy involved with it. A number of the policies that have come out have been out for a long time and need revision, need to be changed. I've been involved in a lot of the changes in some of the local policies. We have some changes that are going through with Bill 165 in the near future; those changes certainly as well.

Mrs Witmer: You've only been with workers' comp since 1993.

Mr Kevin Brown: Since 1984.

Mrs Witmer: Well, it says here you were an instructor as well at Algonquin College.

Mr Kevin Brown: That was a part-time evening course that I was teaching.

The Vice-Chair: Thank you. Your time is exhausted. We want to thank you for appearing before the committee and wish you well.

LESLIE ANN ADAMS

Review of intended appointment, selected by third party: Leslie Ann Adams, intended appointee as chair, Ontario Film Review Board.

The Vice-Chair: Our next selection is Leslie Ann Adams, Ontario Film Review Board appointee. You have the opportunity to make an opening statement or we can proceed right into questions.

Ms Leslie Ann Adams: I'd like to say that I am interested to hear what your concerns are and your questions in terms of the Ontario Film Review Board. I understand I am entitled to speak at the end as well. I think I'd prefer to do that rather than going into anything

in any particular depth at this point, if that's okay.

Mrs Witmer: Welcome. My question relates to some recent information that has been brought forward that indicates that psychologists now, albeit reluctantly, are admitting that there is a relationship between the violence and the pornography that children are exposed to and some of the violent actions that are being carried out by children. Certainly we know that the case in England was influenced. As I say, they are reluctantly admitting that there is the correlation.

In your new position, what can you do to ensure that children are not exposed to violence in films and pornography? I would certainly concur with the individuals who say there is a link. I think there's been enough data come forward recently. I don't see the Ontario Film Review Board recognizing that fact. They certainly haven't in the past. What are you going to do about it in the future?

Ms Adams: First off, I'd certainly recognize violence as one of the important areas for the film review board to be looking at. My understanding is that a number of the board members are particularly concerned themselves and are wanting to look at the guidelines and what perhaps should be changed or added or expanded upon. So the consciousness is there. I think certainly we're seeing that in terms of society, that there is a concern about violence. When each person screens a film or video, there has to be that kind of awareness, obviously, to even meet the considerations of the guidelines that are there.

1500

One of the things that's very important about what the review board does is classification. We have family classifications and we've got restricted classifications and the ones in between. I think at some point, in terms of children, parents have to take some responsibility in terms of where their kids—when you say “children,” being sort of under 12 or 10, I guess—are actually going to be going. I think one of the things that's key is for that information to be out there and to be clear, and perhaps there are ways that it could be put out there more clearly.

Mrs Witmer: I think we all agree parents need to take some responsibility, but the reality is many people dump their kids in front of the TV or in front of the movies. They have the VCRs, and they're not in control, for reasons that you and I probably don't fully understand. I don't think we can assume that parents are as responsible as we would like them to be. I think the Ontario Film Review Board needs to take a very serious look at what's happening.

One of the suggestions that has been made by Pat Herdman, the co-founder of Coalition for the Safety of Our Daughters, is that we appoint some professionals in child development to the board. They're individuals who obviously understand young people. What do you think of that suggestion, that that type of an individual might be included within the composition of the board?

Ms Adams: Well, sure. I think the board is to reflect the diversity of the province, and that's one important person. I think the other reality is that the board is able to bring in people to their board meetings to advise them,

to inform them, to discuss some of these issues, because they're not easy issues. If there are people who have experience, then that is certainly a valuable resource that's out in the community at large and can be an asset to what the board is doing.

I also understand that some board members are interested in perhaps getting the stickering program going for videos. I think that's something which conceivably could help in terms of kids at home. I think what you were saying in terms of television—in some ways perhaps fortunately, television isn't the responsibility of the review board. But with films I think it's much easier for parents to take that responsibility. In terms of videos, I think if there was clearer information, that would be helpful. If there is a common feeling among the board that something should be done along that line, I think it's certainly worth considering and would assist with the kinds of concerns that you're raising.

Mrs Marland: You've just said, Ms Adams, that the board must reflect the diversity of the province. I'd like to ask you about a particular area known as sado-masochism. First of all, would you agree that sado-masochism does not depict a normal, loving sexual relationship?

Ms Adams: I think, in terms of the guidelines that are there that the board is working with, what for me is one of the most important words is “consensual” when we're talking about things that are apt to get into the S&M category of things, and I think when we're talking about that, when there is violence or power over another individual, then that's problematic and has to be looked at very closely.

Mrs Marland: But would you agree that sado-masochism isn't a normal, loving sexual relationship?

Ms Adams: Yes.

Mrs Marland: So would we then have the assurance that you would also agree that it wouldn't be appropriate to have members on the board who openly support S&M as a behaviour and in fact have led seminars in those practices?

Ms Adams: I don't know the backgrounds of—I know the backgrounds of some of the people and not—

Mrs Marland: No, but just as an example. I'm asking you, do you think board members who openly support S&M and take part in seminars for that particular kind of practice are appropriate members of a public film review board in this province in 1994?

Ms Adams: I would hope that when an individual is appointed, they're appointed for the wholeness of who they are and what they are. I would hope that there are other dimensions to them that are important contributions to the board, that it would be a known perspective that they would have in terms of things. It's a democratic process. When something's looked at, as you know, there are three people who initially screen it and I suppose it can go as many as 12. If there's a concern in terms of a program—

Mrs Marland: So you're saying you have no difficulty with a board member being someone who gives seminars and takes part in S&M behaviour?

Ms Adams: I would think, if that's the main priority

of a person's lifestyle, I do have a problem with that, but I think they must have other dimensions to what they're about if they've been appointed to the board.

Mrs Marland: If they're involved in that and a whole lot of other things, do you think that's an appropriate board member to review the kinds of materials that we now know come before the board?

Ms Adams: If they're wanting reappointment to the board, I think that's something that would be important to look at.

Mrs Marland: Do you believe in outright prohibition, that there is material that doesn't fall under the Criminal Code but should be prohibited by the board with regard to a community standard?

Ms Adams: When we're looking at guidelines in terms of banning films or videos, I think first of all it's important to give the guidelines so that we're informing people about the kinds of things that are there.

Mrs Marland: What do you mean by that?

Ms Adams: When you look at restricted films, for example, or adult sex products films, how the criteria are described, I think it's fairly clear that there are things that somebody may choose not to go to. Okay? I think that's probably the vast majority of films and videos that are out there. I think that one of the things that's important for us to keep in mind is the really important, fundamental societal values which matter to a community like Ontario.

Mrs Marland: But how are you going to assess those community values?

Ms Adams: I think it comes from two routes. I think what we've got in terms of the process is that there are approximately 25 people who come from all walks of life who hopefully are able to have a sense of community standards. From my end of things, I have experience as a journalist and I think one of the things that's really important as a journalist is to be out there with your antennae really trying to get a handle on what matters and what doesn't matter to people. I think if fundamental values of a culture are offended, that there is room for saying, "This particular production should not be out in the mainstream of society." That's where it gets tough for the board and they really have to be looking at things.

Mrs Marland: One of the questions that Dorothy Christian raised was that because she had—and you just referred to 25 people—such a low number of resources in terms of members of the board, she had to fast-forward the films and the films are reviewed at seven or eight times the normal speed with the sound turned off. I'd like to know whether you approve that kind of review of the material before the board and whether you're going to ask to at least double the number of people who sit on the board so you don't have to fast-forward with the sound turned off.

Ms Adams: Okay. I think one of the things that's important is that the process be as thorough as possible. I work in television production and, as I understand it, the screenings that go on are at double speed, not seven or eight times.

Mrs Marland: She said seven or eight times.

Ms Adams: Okay. I have checked that and I understand it's double speed. I watch at triple speed and I'm pretty accurately able to say, okay, there's a change in mood, timing, whatever, and stop and make whatever editorial decision I'm having to make at that point. As I understand it, the board members, when they screen the films, do routinely stop and look at the programs to listen to what's there. There's always the opportunity to go back as well.

1510

I guess that's a shade-of-grey answer in the sense that there's a fair amount of information that is picked up from there. When I meet with the board members, and I'm going to be meeting with them all very shortly, it's one of the questions I'll ask them in terms of how they feel it affects their viewing. But I do think that there's a possibility—I mean, the plot lines aren't very sophisticated on some of these—that there is some merit in considering going on a slow fast-forward, which is, I understand it, what it is. It's something I will be discussing with them.

Mr Duignan: Following along on some of the similar questions, given the fact that we know the violence today on television, in the movies and on videos—we indeed referred to the whole question of slasher films. The problem with those is that the Criminal Code needs to be changed.

But to be truly effective, to deal with some of the problems that we're seeing and the whole question of movie violence or slasher films, whatever it may be, we need to tackle the problem as a national issue. We need to change the Criminal Code. We need to put in some national standards. We need to get the provinces all in line. For example, if you go to Alberta, they don't bother doing anything with videos; you can sell anything you want in a video store. We have a hodgepodge approach to sticking or whatever the case may be in this country.

Do you agree that we need to actually approach a lot of this on a national level, putting some national standards that could be applied in each province?

Ms Adams: I think something like that would be very helpful. I know there are discussions between the boards of the various provinces to some extent. The opportunity to learn from each other and also to simplify things would be good and would also make it much easier in terms of dealing with federal legislation, because that's one of the difficulties there.

I understand that there's a case going to the Supreme Court in the next few weeks which is there partly because of the difficulties between the provincial and federal scenes. If more effort were there, from my own end of things I think that would be good. I can only imagine that a lot of the board members would be interested in that kind of thing as well.

Mr Duignan: Is that something you would like to pursue?

Ms Adams: Sure. I would be very interested because I think it could facilitate things considerably.

Mr Duignan: Because the problem is that if you set a certain standard for viewing here in this province, no

matter what it is, for videos etc, if you don't have it in the other provinces—someone can get in a car and go to Quebec or go to Manitoba or wherever it is and bring it back anyway. Given the fact that a very small, limited number of videos go through this viewing process in this province at this particular point in time—I'm talking about adult sex films right now. Most of the stuff when you go to the stores doesn't even end up in the film reviews. We need something as a national standard rather than a hodgepodge approach as each province has right now.

Ms Adams: I do think that something like that would be very helpful on a number of levels.

Mr Duignan: Getting back, how do you think the whole question of graphic sex activity in film, and indeed violence, should be handled?

Ms Adams: I think there are various levels of graphic or explicit sex. The Butler case was helpful in identifying the different levels of what we call pornography.

Mrs Marland: Which case?

Ms Adams: The Butler case. If we're looking at, as I mentioned earlier, situations where it's explicit sex, where it's consensual and they're adults who are clearly there by their own choice, I think that's something which is a comfortable level of acceptance within society. If there's a lot of violence, torture, abuse which exists within an explicit sex scene, I think that's cause for great concern, and I think that's the kind of thing the board has to look at.

Mr Duignan: Given the fact of the explosion of technology, that the cable systems are going to have very soon the launch of what they call the death stars, where you have 500 channels receiving out of the air and you'll be able to buy a dish for less than \$1,000, do you think that what we're putting in place in video, what we can do here, is ineffective when you have all that technology out there and you can get anything you want anyway?

Ms Adams: I think it still matters. What you mentioned earlier in terms of the possible nationalization of things would be helpful, to have that kind of commonality there. I think people are still going to go to movie theatres, they're still going to rent videos. Those kinds of things are very key to what the review board does and I think that will continue to happen.

I think the challenge to the review board is, what indeed are these technologies going to do? In the Globe yesterday was an article which referred to the combining of the work of film producers and video game producers. Well, what's going to happen with that, and what can be done about it? Really, that's an important topic of concern and the policy committee within the board really has to look at it.

Mr Duignan: As well as the computer technology, to the ROMs.

Ms Adams: Exactly. Computer is tougher, actually. Computer, maybe because it's more one-to-one—I don't know—is one that may have to be let go of. I hate to say it, but that may be the reality.

Ms Harrington: We didn't have time to really get into your background that you bring to this job, but I

think we can tell from the way you're speaking that you will be an outspoken person and will carry forward the concerns of the community right across Ontario. You have a broad background in films, as well as knowing a bit about our society.

I want to briefly deal with the violence and pornography issue. I see violence against women as part of the inequality of women in our society. People like Rosemary Brown have spoken out about society's effect on young women as they're growing up, in their own self-esteem and their self-image. This is not just pornography. It's much more pervasive, whether it's advertising as you're walking down the street which objectifies women—it's everywhere in our society, but certainly I see pornography as part of that. So I think it's important that there are people on the board who realize that pornography is in a sense linked to violence against women and are very aware of that.

Ms Adams: From my end, Margaret, I certainly feel that there are links. I do also think we have to be careful in terms of very precious, hard-earned rights of freedom of expression too. That's a balancing-off thing. As you probably well know, the feminist movement is split in terms of anti-censorship and anti-pornography. I think it's something which has to be very carefully looked at in each situation.

You mentioned advertising, and that's one of the things that I think certainly is a responsibility within the board when it looks at the ads, to keep that kind of thing in mind. It's not just the videos and the films, and I'm sure they do that.

One of the things that's really important to me is that it's not just the film review board that watches out for these kinds of things. Some of the public interest groups have already been mentioned here today, but I think there is a lot of room for media awareness programs and that kind of thing. That may be necessary to happen within the board as an internal education thing. All of you, in your various jobs in your constituencies—I mean, it's something which can be encouraged at different levels in terms of media awareness programs.

Mr Marchese: My sense is that a lot of the board members leave with a great deal of deep scars on their backs, or deep teeth marks. Given what you have to screen, which can be very painful, and given the board's having to deal with the interpretation of community standards and the jurisdictional problems with the police and the board, what makes you want to go for this job?

Ms Adams: To answer that specifically, I suppose I'll spend some time screening, but there's a lot of other time which will be spent on administration kinds of things and also policy things, some of the things we've been talking about today, which I feel are important and I think changes that can make a difference can happen there.

1520

One of the things, in terms of watching tough programs to watch, that I'm aware of, is that the board members screen three to four days a month, as a sort of typical time—

Mrs Marland: A week.

Ms Adams: No, three to four days a month.

Mr Marchese: That would be a full-time job.

Ms Adams: Well, yes, it becomes that. I'll get clarification on that, obviously; I'll know in September.

If it is the three to four days a month, the desensitizing and the hurting that can be there, I know it can affect things, but it keeps it in some kind of perspective.

Mr Bradley: The Ontario Film Review Board activity sheet indicates, and I'm going to ask you if you're concerned about this, that in 1990-91 the number of R-rated films or videos was 41% of those reviewed. In 1992-93, just two years later, 60% of all films and videos reviewed were in fact rated R. Does that concern you as a person who is very familiar with and experienced in the whole area of filmmaking and in the media? Does that concern you, that now fully 60% of the films and videos being reviewed are rated R?

Ms Adams: Yes, it concerns me, but those are also the products that are being produced. I'd almost like to ask you a question, in the sense that I'm not sure what the film review board's responsibility is in terms of the percentages. I really think it's trying to give an accurate call to what is and isn't out there. It's a sad comment that lots of violence makes lots of money, and I do wonder if society is getting to a point of changing on that as well. But, Jim, if there's anything more that you're thinking about there, I'd be interested to know.

Mr Bradley: Just a comment on it, because that seems to be a trend. Particularly parents and—I hate to categorize—perhaps people in an older generation tend to be somewhat shocked now when they go to the theatre and listen to the language they listen to, for one thing, and see what they see. You often get the question asked by either the parent or that person of that generation, "Aren't they making films any more that I can enjoy or," if it's a video, "sit down in the living room and watch with my son and daughter without having a red face or having to leave the room at the language and the activity in the film?"

I'm just wondering whether it's healthy, unhealthy, whether it's having an adverse effect, in your view and from what you've read, on our society.

Ms Adams: Probably ultimately it's unhealthy, but it's really what the producers are producing. It would be great if somehow more family viewing things could be encouraged. I'd love to think that the review board could pull that off, but I just think it's a reality there.

What is excellent about the review board is that the classifications are given so that people do get some direction. Maybe clearer information could be given. I've seen other provinces that do it more effectively than Ontario. Maybe there's room for sharing some of that kind of information.

Mr Bradley: Things have come a long way since about 1978, when I was sitting before a committee and the former Ms Brown, who was the chair of the board at the time—

Mr Curling: Mary Brown.

Mr Bradley: Mary Brown. There were different kinds of films coming before us and a different approach of the

committee, which was then called the censor board, I believe.

That gets me to the next question. My understanding is that the board has an opportunity to do one of three things: one is to classify films; one is to cut films where it deems appropriate, or recommend cuts; and the third is to perhaps not allow a film to be shown at all in public theatres in Ontario, and if they did, they'd allow it only where film festivals or something of that nature took place. Do you believe the board should only classify, or do you believe the board has a role to play in both cutting and completely disallowing films to be shown in Ontario?

Ms Adams: As I mentioned earlier, when there are films that really offend basic fundamental values of society, we have to look at prohibiting them. One of the qualifiers on the Restricted guidelines is that if violence, the other things that are mentioned, are integral to the plot—and I think that's very important. It's interesting. We look at violence, we think of Shakespearean films or biblical films, Schindler's List, films like that, where it's not great to watch the battle scenes but there may be something to be gained from it. It's tricky, but I'm sure it was well discussed within the review board, and I think that's one of the things that's key.

When it's gratuitous and it's really violence for violence's sake, I think a really hard look has to be taken at it, if it's violence, and I just use that example again.

Mr Bradley: Last week there were captions on news programs that dealt with video games. It was noting that one company had to give in to the other company because the other company was making much more violent and much more sexually graphic material for its video games. So one company said: "We can't resist any more. They're outselling us." That gets to the issue of, should the Ontario Film Review Board, which now deals with videos and deals with films shown in public theatres, also have the opportunity to review material which goes into video games, which in effect, my guess would be, are seen more by children than films or videos even?

Ms Adams: As I recall, it's there but it's not—sorry, I'm blanking on the specific phrases. Within the Theatres Act there is reference to video games. I feel it's something that would be very worthwhile to take a look at. As most of you probably know, we're in a situation where video games are grossing more money than films and videos at this point, and now we're seeing a link between those video games and films, so I think it is important.

Once I've met with the various board members and hear what their concerns are, I suspect that video games may indeed be a part of it. It's something that I think would be very worthwhile to have some kind of discussion about and possibly be looked at by the policy committee of the board, because it's tough.

Mr Bradley: The threshold seems to be pushed back virtually every year, and the old argument is made between—it comes out this way—politicians who are reacting to what many people in the community are saying and the news media, which naturally take an anti-censorship view. I have it happening in my own community now over a matter. It's a public discussion. The

news media generally take the opinion that you shouldn't censor and use the example, "Years ago they would have considered Elvis Presley's gyrating hips to be obscene" or something, "so what's the difference between that and the latest thing that they're showing on a video?"—except that the threshold has moved very, very significantly.

Perhaps it's an unfair question, but I'll throw it at you anyway. Where is the threshold ever going to end? Snuff films? We keep pushing it back, so where does it end? I say that in the context, for instance, even of many feminists who are also against censorship now taking a second look and saying maybe there is a need for censorship. Just a general comment.

Ms Adams: I think the threshold, fortunately, does change in positive ways too—that's been happening—in terms of changing community standards. I really feel that we're on kind of a cusp of some sort in terms of violence. I'm interested, with some of the people I chat with, who feel, say, in terms of family abuse situations, that there's some kind of turnaround that's happening, that people are more aware, that they are wanting to discuss it more.

A colleague of mine works with media and children's groups. She said she's really surprised by the educators and the parents who are just eating up this kind of information and what might or might not be done about it. One can only hope, when we're talking about community standards, that indeed that will be a standard that can be reflected, that there is a concern about violence and that something can be done about it.

It's very subjective, and as you all know, difficult stuff to get your fingers on, but I think it's the responsibility of the board to have its antennae out to all different situations and try and respond.

The Vice-Chair: That's it. Thank you.

Mr Bradley: Just when it gets exciting and interesting.

The Vice-Chair: Thank you for appearing today.

Ms Adams: My pleasure.

1530

NANCY SMITH

Review of intended appointment, selected by third party: Nancy Smith, intended appointee as member, Ontario Municipal Board.

The Vice-Chair: Nancy Smith, you have the opportunity if you'd like to make a short opening statement, or if you'd prefer, we'll go right into questions. That decision will be yours.

Ms Nancy Smith: I'll leave it to the committee, to answer any questions.

The Vice-Chair: Mrs Marland, we will start with you.

Mrs Marland: Good afternoon, Miss Smith. In looking at the résumé that was submitted to the committee, I do not see any reference to your most recent job.

Ms Smith: I noticed that as well, Ms Marland. On the copy that I have it's clearly listed that my position at the time was chair of the Ontario Housing Corp.

Mrs Marland: How long were you chair of the Ontario Housing Corp?

Ms Smith: For two years.

Mrs Marland: You completed two years?

Ms Smith: My term will be complete the middle of August.

Mrs Marland: And that will be two years.

Ms Smith: Yes.

Mrs Marland: Was it originally a two-year appointment?

Ms Smith: Yes, it was.

Mrs Marland: Why would you seek another appointment after only two years on the Ontario Housing Corp?

Ms Smith: My term was up, and as it came to the end I began to look for other possibilities. Actually, at the time I was offered the position as chair of OHC I had also applied for the municipal board and was in the position of being offered both of the positions at the same time. I had to make what to me was a rather difficult choice at that time, and as I came to the end of my term at OHC, I looked into the possibility of the OMB because it's something that interested me when it was offered to me originally, and still does.

Mrs Marland: At the time of your appointment, and I suppose in fact during your appointment to the Ontario Housing Corp, there was quite a swirl of controversy around the fact that you were being paid close to six figures for that position.

Ms Smith: With respect, Mr Chairman, I have never been paid anywhere close to six figures.

Mrs Marland: What were you paid as chair of OHC?

Ms Smith: With social contract, \$86,250. It's the equivalent of an SMG-2 and the range is \$75,000 to \$110,000.

Mrs Marland: Right. You don't think \$86,000 is close to six figures?

Ms Smith: With respect, through you, Mr Chair, this was discussed with the minister at public accounts, I think, by yourself in the summer of 1992. I think that's a question for the minister and for the government and I think it was dealt with at public accounts at that time.

Mrs Marland: Yes, that's true, the amount was discussed, but it was your words a few minutes ago that said it wasn't close to six figures, so I just asked you that.

But there was a controversy about the fact that you were being paid what was interpreted as being close to six figures, which you've now confirmed is \$86,000, and yet you also claimed the cost of your accommodation in Toronto and your travel expenses to and from Ottawa. What I am wondering is how you're going to treat this appointment to the Ontario Municipal Board in terms of what expenses you will be looking to claim. Are you going to be looking for travel and accommodation costs again?

Ms Smith: I would expect to do it exactly as I have for my past appointment, strictly within the Management Board guidelines that apply to the position. That's the way I've handled it and that's the way we'll handle it. It's not in my mind to break any rules or guidelines.

Mrs Marland: Are you going to ask for accommodation costs?

Ms Smith: No, I'll be living in Ottawa for my position with the municipal board, and as you are probably aware, as members of the committee are probably aware, one of the obligations of a board member is to do hearings anywhere in the province, and those travel and accommodation costs are paid as seems appropriate and according to Management Board guidelines.

Mrs Marland: What are you going to be paid as an Ontario Municipal Board member?

Ms Smith: The range is again \$75,000 to \$111,000. My understanding is it's again \$86,000 something or other, and I'm not clear whether that's reduced by social contract or not. I'm presuming it probably is, as everything else is these days. I'm not clear whether it's eight days or 10 days, but I had been deducted 12 days for the chair at OHC.

Mrs Marland: We normally ask people about their relative experience in terms of jobs they're moving to and appointments they're accepting, so I need to ask you about the Metropolitan Toronto Housing Authority and all the now well-documented serious problems with MTHA. I would like to ask you about your role for two years as chair of the Ontario Housing Corp, what area of responsibility that position held for you in relationship to what was going on at MTHA as a public housing authority.

Mr Marchese: Mr Chair, I'm wondering whether you think that's an appropriate question vis-à-vis what we're interviewing her for.

The Vice-Chair: It's up to the witness whether she wants to answer or thinks it's an appropriate question. The member can ask any question she wants.

Ms Smith: Mr Chairman, perhaps I could handle it very generally. I don't like to frustrate committee members, though it is a bit of a stretch between MTHA and the municipal board. What I would say, very simply, Ms Marland, is that I and my board share the minister's concerns that led to the review and hopefully will lead to some improvement at the agency. Perhaps that's the simple way to answer it, in this context.

Mrs Marland: Mr Chairman, there is no stretch between the role of the chair of the Ontario Housing Corp and her qualifications for now being appointed to the Ontario Municipal Board. I prefaced my question very carefully. With all candidates we ask about what they've done, where they've been. If Mr Marchese doesn't wish me to ask those questions to his appointment, then that is unfortunate, but we ask those questions all the time.

As chair of the Ontario Housing Corp, you would have to have known and shared some of the responsibility for one of the public housing authorities under your jurisdiction. Would you agree?

Ms Smith: I'm just trying to understand your question. Perhaps you could rephrase it for me.

Mrs Marland: As chair of the Ontario Housing Corp, what relationship would you have had with any public housing authority?

Ms Smith: With the other 55, they are direct agencies

of the Ontario Housing Corp governed by a relatively standard management agreement. In the case of Metropolitan Toronto Housing Authority, there is a different management agreement which puts it in a somewhat more independent status, if I can put it in those terms. They have been expected to function more independently. For example, as you would be aware, they have their own internal audit function, they have a full-time chair, they certainly have a substantial staff. They aren't like the other housing authorities. They're expected to function somewhat independently. They don't report through the same network of public servants as the others do. That's an agreement that was signed, I think, in—I won't vouch for the exact year, but it would be 1991 or perhaps 1992, before my term began. They have a different relationship, more arm's length, and I think it would be fair to say they've tended to function very much at arm's length.

1540

Mrs Marland: So are you saying that the Ontario Housing Corp didn't have anything to do with MTHA?

Ms Smith: No, I didn't say that, Ms Marland. I said there's a management agreement signed in 1991 or 1992 that gives them more of an arm's-length relationship than the other housing authorities.

Mrs Marland: As chair of OHC, then, what was your responsibility with regard to MTHA, your personal responsibility as chair of the Ontario Housing Corp? If there was a problem at MTHA, would you not have known about it?

Ms Smith: I've tried to describe the relationship. The individual members are responsible to the minister and to the government, as they're government appointees. The staff reports to the board. The board is responsible to the OHC board: agency-to-agency responsibility. So there's a responsibility of oversight that's defined by the management agreement. It is a general responsibility and something that I hope the current undertaking will clarify so that it's clear for everyone.

Mrs Marland: So you agree that there is a general responsibility for MTHA by the Ontario Housing Corp?

Ms Smith: Mr Chairman, I'm finding myself in the rather odious position of repeating myself. I've done my best to describe the relationship as clearly as I can according to the documents that spell that out. I haven't brought them with me because I hadn't anticipated that this would deal with OHC. I thought perhaps it would deal with the OMB. With respect, I don't wish to fray the committee.

Mrs Marland: You don't like my questions.

Ms Smith: I'm doing my best to respond to them as accurately as I can.

Mrs Marland: I'm trying to establish your role as chair of the Ontario Housing Corp and why you didn't do anything about the Metropolitan Toronto Housing Authority, and whether or not you didn't do anything about it because you didn't know about it, which would be a fair answer.

Ms Smith: With respect, Mr Chairman, that's not a correct paraphrase of my responses. Perhaps we should leave it at that.

The Vice-Chair: Mrs Harrington is next.

Ms Harrington: Thank you, Ms Smith, for coming here. I remember meeting you some years ago when you were with the Ottawa region or Ottawa city council.

Ms Smith: Yes.

Ms Harrington: You were on both the region and the city council?

Ms Smith: Both at the same time in those days, yes.

Ms Harrington: I'd like to deal with your qualifications for this appointment to the OMB. In your role as regional councillor and municipal councillor, what background do you have with regard to planning issues?

Ms Smith: I sat on the city of Ottawa planning committee for 11 years. In those days it was fairly busy. We met every Tuesday except for Christmas and New Year's, as I recall, and generally sat five or six hours a week. A lot of that time was in boom times and there was a considerable volume of development applications. We dealt with a new Planning Act—I'm trying to remember whether it was 1983 or 1984—during that time, two complete revisions of the zoning bylaw, and a number of innovative zonings in the area of rooming houses and rest homes.

I also chaired the heritage committee and I'm interested to see that the OMB will shortly become the appeal body for heritage act decisions as well, which I think is a positive move. Half of my ward was in a floodplain, so I got to deal with floodplains as well and sat on, an Association of Municipalities of Ontario group that reviewed what resulted in the new floodplain guidelines.

The other area to mention, if I might, would be the area of chairing and holding hearings. In addition to my experience at OHC, I was vice-chair of the planning committee, chair of social services, chair of a number of other working groups, grants hearings and that sort of thing. Most of the panels are single members these days and I think it's very important to be able, on the one hand to establish a presence for the hearing. If you're there all by yourself, somehow you need to do that. On the other hand you have people, be they solicitors, project proponents, community people, whoever they might be, who are in front of the board. You have to give them a feeling that they have been heard, and I think my experience in dealing with a range of different people in front of hearings would be very helpful.

I'm also able to do hearings in French, which I hope is something that will be taken advantage of. It's an important body and should be accessible in French if that's at all possible.

Those would be some of the things I would think, Ms Harrington, in terms of my municipal experience.

Ms Harrington: Just to clarify for some of the members of the committee, I met you when I was representing the city of Niagara Falls as a municipal councillor when I was at a conference in Ottawa and you were showing us around some of the ideas that were going ahead in Ottawa.

At this point in time you know that Bill 163 is going ahead and part of the mandate of that bill is to streamline the planning process, so obviously that's going to impact

on the OMB to some extent. Do you have an opinion on Bill 163?

Ms Smith: I've had a look at it and I've had a look at some of the material that's come out around it. I guess my view of streamlining is time is money, and money is units, it's landscaping; it's not just money in somebody's pocket. It's the possibility of getting your business on the road in time to actually make it viable or building a slightly larger unit or having the site more appropriately done or a building that fits in better with the neighbourhood. So I think the streamlining is critical.

I think the other factor is constraint and we all have to live with that these days, and the board is no different. So anything that can be done to maintain the quality but reduce the cost for everybody involved is very important. I think that some of the changes that have been made in the bill—I understand that there are time limits put on some of the applications that were open-ended, for example—will exercise a healthy discipline on all concerned. I think some of the things that the board is doing as well—case management; as I mentioned earlier, single members sitting rather than two- or three-member panels—can add up to major improvement. It's jobs and it's housing and it's all of those things that come out the other end of the planning and development process that benefit in the end.

Ms Harrington: I wish you well and I really think that your extensive background over the past decade or two will be appropriate to this job. I just think my opinion is, since I know Helen Cooper quite well, who is the chair of the OMB, that you two would probably work very well together.

Mr Marchese: My specific questions would be under Bill 163. Under the existing law now there are no limits on how long planning authorities can consider an application for approval of a project and under Bill 163 the approving authority will have a maximum of five months to make a decision. I would assume that you think that is a good thing; correct?

Ms Smith: It depends on which side of the table you're sitting on, I think. If you're a municipal councillor trying to get a project changed, five months would probably be a rather short time. If you're somebody with mortgages outstanding, trying to get your shovel in the ground, I think it might be rather a long time. I guess my thought was, five months is manageable, just barely, in a larger municipality, speaking from my Ottawa experience. I have no idea what would happen in Toronto. In Ottawa, it would be manageable if people really moved. I think the municipalities and other approving bodies involved will have to be very firm in terms of the quality of the documentation, no files opened until the documentation is complete, that type of thing. I think they'll also have to be a lot clearer with proponents and so on as to exactly what's required.

Mr Marchese: But clearly it would force many of them to make much more efficient decision-making. In order to streamline things, if you give a time line, those members will have to work a little more differently than before, so I would think that's a good thing.

Ms Smith: My experience with the last round of

changes in the Planning Act, I think sitting around the municipal planning table, we all thought the end of the world had come, and it didn't. People adapted to it very quickly and worked with it. It's a process of gradual improvement and adaptation.

Interjection.

Mr Marchese: The OMB will no longer have any jurisdiction over minor variances.

Ms Smith: That's merciful, Mr Marchese.

Mr Marchese: Sorry, is that in relation to something he said?

Ms Smith: No, minor variances.

Mr Bradley: Everyone sounds like a Tory now.

Mr Marchese: Who's this?

Mr Bradley: You all sound like Tories.

Ms Smith: I think I'm in a crossfire, Mr Chairman.
1550

Mr Marchese: We're making things more efficient, I would think. Municipal councils' decisions now will be final, because under Bill 163, minor variances would be taken away. Is this something you agree with as well? Do you have an opinion on that?

Ms Smith: I think it's probably a good idea. There are two types of minor variances that go to appeal. One is where neighbours are clawing each other's eyes out, and I'd rather the municipal council dealt with those than the municipal board. There are others where somebody has creatively found a way to go to the committee instead of going for a rezoning under the Planning Act. Hopefully councils will be able to deal with those as well. I don't think it's any different from their dealing with zoning, and generally I think it's an improvement. I'll be glad to be at this table and not that one when that change is made, if I can put it in those terms. I had perhaps three a week in my area for 10 years; a lot of minor variances.

Mr Marchese: On the issue of alternative dispute resolution, because I know this is becoming more and more of a procedure that is being adopted by many to solve a lot of problems, conflict resolution is obviously a big part of why people are there at the OMB. What is your experience in conflict resolution?

Ms Smith: I represented a downtown ward as a municipal councillor, and none of the zoning fits any of the buildings or any of the uses that are there. It's one of those places. So there was a very high volume of development applications of different kinds and also a lot of new development in the area in the time I was on council. I did a lot of work with community groups and project proponents to try to come to an agreement early on. I found if you could figure out what were the two or three important things for each party and try to accomplish those and then just hold everybody to the line to the end of the process, it really worked very well. Once people got the flavour that the councillor wasn't going to flip around as the application proceeded, they would either come along or go away, be they community groups or be they project proponents.

I think it offers a lot of opportunities. I think it has to be very carefully handled, because everybody has a right

to access for legitimate grievances to legitimate appeal bodies, and I think you have to be very careful on that angle. That's a fine line to tread in the way it's handled at the board level.

Mr Curling: Ms Smith, were you a member of the NDP, or if not, are you a member of the NDP?

Ms Smith: No.

Mr Curling: You've never been a member of the NDP?

Ms Smith: No.

Mr Marchese: Any other party?

Ms Smith: I haven't been a member of any party, just to save the committee some time.

Mr Curling: That's all right. You answered the question.

Ms Smith: As a municipal person, I chose to be non-partisan.

Mr Curling: The reason I ask you that is that, as we know, the OMB is an independent administrative tribunal. I presume you would then agree that it is essential that the board operate completely independent of government interference, of any sort of political meddling. Would you agree with that?

Ms Smith: Yes. I think it's also important that they be relatively distant from the municipal hurly-burly as well. I say it because in the Ottawa area it's not particularly party politics at the municipal level.

Mr Curling: Earlier on, I think Mrs Marland asked you how you became interested in this position. You said that your time was running out in the other one, your period on the other board, and you thought this was an opportunity. Were you approached?

Ms Smith: Perhaps I wasn't clear when I responded earlier, Mr Curling. I originally applied probably in January or February of 1992. I was interviewed perhaps in May or June of 1992 for both the chair of the OHC position and the OMB position and was offered both positions in July or August of 1992. So I had been previously offered an OMB position. I reapplied this spring, perhaps in May. I put in a new application, underwent a new interview and had a new reference check. So I went through the process twice for the OMB position.

Mr Curling: I find it extremely fortunate. I know many of these boards and commissions are well paid. Many people approach me from time to time and would like one of those things that pay full-time, and here you are, wonderful as ever, getting two interviews for two different jobs, getting one, and two years afterwards again getting the other. So you were interviewed for the OMB and the OHC in 1992.

Ms Smith: Yes, I was.

Mr Curling: And you got the OHC.

Ms Smith: I had what I describe as a rather difficult choice to make and decided to accept the chair of the OHC position.

Mr Curling: Do you think they held this one for you until now?

Ms Smith: I think some members have left, Mr Curling. I think your government was the one to make the change not to have them there for life, and some of them have left because their terms have been completed.

Mr Curling: It's nice to know people in high places. Do you know Evelyn Gigantes well?

Ms Smith: Mr Chairman, the minister is Mr Philip; I don't know Mr Philip.

Mr Curling: I didn't ask that question at all.

Ms Smith: I didn't hear a question.

Mr Curling: I didn't mention Mr Philip's name. I asked if you know Ms Gigantes well.

Ms Smith: I know her as a colleague in the Ottawa area. I always made it my business as a municipal councillor to be on good terms with all politicians everywhere, and she was one of many of the local scene, if I can put it in those terms.

Mr Curling: And she, I presume, supported your application in getting this job, your appointment here.

Ms Smith: My references were a developer, an architect and a prominent municipal solicitor in the Ottawa area. Quite frankly, I don't find politicians make particularly good references.

Mr Bradley: I don't know about that.

Ms Smith: I only say that because I've been one. Forgive me.

Mr Bradley: When it comes to government appointments, they are the best reference, I assure you.

Mr Curling: The OMB has been plagued with a lot of backlog. So are many, many agencies and commissions within the province here, and I don't need to go through the famous ones. That's one aspect of it. I know there are changes coming about and I hear my colleagues with the government talk about 163. Do you feel that this will assist very much in the backlog that is created? I'm more concerned about especially minor variances, these people who don't have the resources to spend days, months and years waiting for those things to be corrected. Do you feel that 163 will resolve most of these backlogs?

Ms Smith: Quite frankly, I think most of the backlog is in the hands of the management of the board, and some changes that I described earlier that are under way, I think, are the direction to go in that. It's a matter of doing what everybody is doing, tightening up all of the small things that in the end give you better productivity out of the resources that you have to deal with; for example, shifting to some extent to more computerization for the members' decisions. I fancy one-page decisions myself; I think that would save a lot of everybody's time. I'm not sure that's always possible, but it's something I would strive for.

But I think the type of changes, to be serious about it, the alternative dispute resolution, the reduction of the number of three- and two-member panels and more one-member panels, improvements in scheduling, those types of things—they're not exciting but I think it's those small things that will have the major impact. Some of the changes in the bill, to the extent that I'm familiar with them, will assist, as some previous changes did.

Mr Curling: Let me go back to the appointment process and your appointment to this board. Maybe you could help me and some of my constituents who come to me from time to time to get appointments on boards and commissions. What did you tell them? You seem to have it down pat, really, because in 1992 you applied for two, and in four years you got two of the best appointments ever in this province at a nice salary. What would you say you're doing right or what could I tell my constituents who want to be on boards and commissions that are paid well? They could consider: "This is a nice substantial job. Pay me good and I could make a great contribution." What would be your advice?

Ms Smith: I'd recommend a master's degree. I'd recommend 15 years of planning experience. I'd recommend many, many hours of chairing hearings and those types of things. I'd recommend a lot of time in public service at half, maybe, what it was worth at the time and an interrupted career on the way.

The Vice-Chair: Mr Bradley is next.

Mr Bradley: My question is this: We talked about the boards before. We talked about the development—

Interjections.

Ms Smith: Mr Chairman, with respect, I'm having trouble hearing Mr Bradley.

Mr Bradley: The development on Toronto Islands was discussed with the previous person before the board. As a person who probably appreciates good parkland in the province of Ontario, would you be the kind of person who would be inclined to approve such projects as a co-op housing development on Toronto Islands when the conservation authority is opposed to it and when everyone seems to want to preserve as much parkland as possible in major urban centres?

Ms Smith: It strikes me as a bit of a hypothetical question, Mr Chairman.

Mr Bradley: Oh, it's coming.

Ms Smith: I think it might be unfortunate for me to pronounce on a case before I'd seen the file.

Mr Bradley: In general then, instead of saying that specific one—I thought that might provoke that answer—would you be inclined to support housing developments on areas that are wonderful parkland to be used by all of the people, enjoyed by all of the people of a community or of the province, as opposed to simply a few privileged people?

Ms Smith: Mr Chairman, I think as Mr Bradley probably knows, every hearing at the board is de novo, not precedent-setting or policy-creating, and is based on the evidence in front of the board at that particular hearing. I would expect the decision would depend on the network of local and official plans and actions of the planning authorities involved in it at the time.

I have to say that I've had some very frustrating experiences myself where we had, for example, valued wetlands which somehow hadn't made it on to anybody's list and saw them filled in and paved over for lack of the planning document missing. I think the integrity of the planning framework or planning documents in a particular area is absolutely critical and is primarily a municipal

responsibility. I have to say, though, that I think the issuance of the policy statements, statements of provincial interest which have been published and I gather will come into effect when the act is proclaimed, should help plug a number of holes, and one in particular that I've been familiar with is in the environmental area. It must have taken 15 years to get the wetlands statement out of the Ministry of Municipal Affairs and into action. That's the way hearings go. They're based on the planning evidence that's in front of that particular hearing, not on the calls of Blue Jays that you may be familiar with.

The Vice-Chair: Thank you, Mr Bradley. Your time has expired.

I'd like to thank you, Nancy Smith, for appearing before the committee today.

Ms Smith: Thank you, Mr Chairman. My pleasure.

The Vice-Chair: I wish you well.

Ms Smith: Glad to be here again, I have to say.

Mr Bradley: Just when it gets exciting.

The Vice-Chair: Now we have a little duty to do, the determination of whether or not the committee concurs in the intended appointments that have been reviewed today. How would the committee like to handle the appointments that have been looked at today?

Mr Bradley: I predict that the government carries all of these appointments. I predict that.

The Vice-Chair: Could we have a motion then that they all be concurred with? The motion is by Mr Marchese. All in favour? Opposed, if any? The motion is carried.

At 10 o'clock tomorrow morning the committee will resume business here.

The committee adjourned at 1603.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

- ***Chair / Présidente:** Marland, Margaret (Mississauga South/-Sud PC)
- ***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
- *Bradley, James J. (St Catharines L)
- *Carter, Jenny (Peterborough ND)
- *Cleary, John C. (Cornwall L)
- *Curling, Alvin (Scarborough North/-Nord L)
 Ferguson, Will, (Kitchener NDP)
- *Frankford, Robert (Scarborough East/-Est ND)
- *Harrington, Margaret H. (Niagara Falls ND)
- *Malkowski, Gary (York East/-Est ND)
 Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- *Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Substitutions present/ Membres remplaçants présents:

Duignan, Noel (Halton North/-Nord ND) for Mr Ferguson
Jordan, Leo (Lanark-Renfrew PC) for Mr McLean
Marchese, Rosario (Fort York ND) for Mr Waters
Rizzo, Tony (Oakwood ND) for Ms Carter
White, Drummond (Durham Centre ND) for Mr Waters

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Yeager, Lewis, research officer, Legislative Research Service



Legislative Assembly of Ontario

Third Session, 35th Parliament

Assemblée législative de l'Ontario

Troisième session, 35^e législature

Official Report of Debates (Hansard)

Thursday 4 August 1994

Journal des débats (Hansard)

Jeudi 4 août 1994

Standing committee on
government agencies

Comité permanent des
organismes gouvernementaux

Intended appointments

Nominations prévues



Chair: Margaret Marland
Clerk: Lynn Mellor

Présidente : Margaret Marland
Greffière : Lynn Mellor

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Thursday 4 August 1994

Jeudi 4 août 1994

The committee met at 1001 in committee room 1.

INTENDED APPOINTMENTS

GERALD MACDONALD

Review of intended appointment, selected by official opposition party: Gerald MacDonald, intended appointee as member, Council of the College of Nurses of Ontario.

The Acting Chair (Mrs Elizabeth Witmer): We will begin our half-hour review, Mr MacDonald, with the official opposition party, since it was the party that selected you for review. Welcome.

Mr Gerald MacDonald: Thank you.

Mr John C. Cleary (Cornwall): Welcome to the committee, Mr MacDonald. Just looking over your CV, what are you doing at the present time?

Mr MacDonald: I'm not doing anything at the present time, other than private consulting work on a very small basis right now.

Mr Cleary: How did you find out about this position?

Mr MacDonald: It wasn't really advertised. I applied to the Premier's office appointments board. It wasn't anything in particular to do with the College of Nurses; it was just an application for an appointment to a board or commission.

Mr Cleary: Why are you interested in this?

Mr MacDonald: I guess it's to give some kind of contribution back to the people of the province for what they have given to me.

Mr Cleary: I know we have many discussions with the nursing profession at the present time. They have lots of questions for me, and I guess my question to you is, what would you feel you may accomplish in your years on this committee?

Mr MacDonald: I think I'll bring a perspective of a person who has a disability, who has to deal with the medical community, not on a daily basis but on a fairly regular basis. I also feel I would bring a different slant or a different view of things from outside of the profession and be able to maybe help direct the direction that the nursing profession will take when dealing with the general public as patients.

Mr Cleary: Do you have any thoughts on the new structure of the Council of the College of Nurses?

Mr MacDonald: No, because I'm not familiar with the college itself. I've had an orientation of the building and where it is and who some of the people are, but that's about it. I don't know the makeup of council or anything else.

Mr Cleary: How many appointees are there on this committee?

Mr MacDonald: I couldn't tell you, sir. I don't know.

Mr Alvin Curling (Scarborough North): Thanks for coming before the committee. This is an extremely important board that you're going to be sitting on. The nurses also are going through some changes. As a matter of fact, there has been a history of lack of proper representation through the unions and even through the council itself. It is important too that you, sitting on that council, bring a kind of sensitivity. You are not a nurse?

Mr MacDonald: No.

Mr Curling: And you have no familiarity with the governing process of this board?

Mr MacDonald: No, none.

Mr Curling: Which is a challenge for you actually, coming in there and not knowing very much about them.

Mr MacDonald: I would say so; a challenge I do look forward to.

Mr Curling: My colleague has asked you about the contribution you intend to make. You must have given it some thought and you must have gotten some briefing from the people, whatever they call themselves here within the Legislative Assembly, the appointment commission. Having given it some thought, what do you think you would contribute now? I know you have done a tremendous amount of voluntary work. What sort of contribution do you feel you'll be giving to this council?

Mr MacDonald: As in response to Mr Cleary's question, the same would apply to yours. I think I will bring a different perspective, coming from the disabled community, but also just as an individual who is not familiar with the nursing profession, I have some thoughts of my own. I don't know whether I will be able to contribute to any changes or whatever within the college, but I'm certainly open to anything. I guess it's my own common sense that I have that will be my biggest contribution.

Mr Curling: The nursing profession sometimes complains about the fact that it has been dominated and dictated to by doctors. Sometimes they do the work and the doctors get the pay, and there's no recognition either monetarily or professionally that we are giving to them. Do you feel this is one of the areas that you must address? There's a move somehow in the maternity field that they would be recognized in contributing and maybe paid in that sense. Do you feel that's one of the primary causes that you should address when you get in?

Mr MacDonald: I think it probably will be within the next few years one of the main problems the college may have to deal with, but it's not just that the college has to deal with it; society has to deal with it as well, in that in society there is a hierarchy and within the medical profession there is still a hierarchy of which the physician or the doctor is the top, and then if you come under it, it's your nurses and then your patients. I really can't tell you right now what my feelings would be on it because I am not that familiar with the relationships or feelings between doctors and nurses and who is getting credit or who is getting the pay. Evidence would have to be placed and judged at that time.

Mr Curling: I can tell you the society loves nurses, but recognition is not very much there. The standards change constantly in nurses according to demand and supply and where they come from. As we change the standard of recognition and entry into the field, I hope you'll be looking at the community colleges and how they accept new nurses coming in and how they can be recognized coming from other countries too.

Mr MacDonald: I might inform you that I do have three sisters who are RNs and I know the contribution that they make to their profession.

1010

Mrs Elizabeth Witmer (Waterloo North): Mr MacDonald, actually I'll just pursue the questioning that Mr Curling had embarked upon regarding the nurses. Certainly, I think one of the problems we're facing in the province is the fact that we are educating more nurses than we have space to accommodate within the jobs available in the province. I know myself, we have a nursing college in Kitchener-Waterloo, Conestoga College, and unfortunately, many of the graduates have had to look for work outside of the province. Many of them have ended up in the US. Unfortunately, it's our tax dollars being used to educate the individuals and then we don't have any placements.

What do you think can be done in order to ensure that we only educate the numbers that are required for our own province? Is there anything else that we could be doing?

Mr MacDonald: I suppose that if would-be nurses would realize and the education system would realize that there are only so many positions out there that through attrition will be filled each and every year, that the life of being a nurse—although I know when I was a child growing up, to be a nurse was one of the greatest things, you know, an RN behind your name, and it was a profession that everybody at one time wanted to go into. We've reached a saturation point now, oversaturation. I think what has to be conveyed to people who possibly want to become nurses is that if you do go in that direction you may not get what you want, you may not be able to work in the profession or you may have to go to small communities where the requirement is. But reality has to be that the jobs just aren't there, and to continue training people for jobs that don't exist—

Mrs Witmer: Doesn't make a lot of sense.

Mr MacDonald: It does not make a lot of sense.

Mrs Witmer: I guess that's one of the problems that we face in Ontario and probably Canada as well. We don't do a very good job of determining what jobs are available for people and then providing the appropriate educational programs. We seem to be training people for jobs that are no longer here, and we have to do something about matching people up to the jobs.

The other area that obviously you're going to have to deal with is this whole area where nurses are going to be given different responsibilities than they have now. RNAs are going to be given different responsibilities. Obviously, doctors are going to be impacted by the changes in the responsibilities. There's obviously going to be some friction, there's going to be some competition. What do you think the role of the council can be in assisting with this transition to increased responsibilities for some of the individuals involved in a change of responsibilities? I think it's going to be a difficult time.

Mr MacDonald: I believe it will be a difficult time as well, but I think it can be made much, much easier with an education process. We see it, not regularly every day in the paper, on radio or on television, especially in the northern communities, where doctors say, "I will not go. I want to be in Ottawa, Toronto, Hamilton," the major cities, where the need for them isn't there, but in the north, where they are required, you cannot force them to go. But if nurses, RNs and RPNs and what not are given different responsibilities or some of the responsibilities that a doctor would be doing in those communities, I don't see where doctors can really say very much, because if they won't go there, somebody has to. It's the health system of the province.

Mrs Witmer: I just want to go back to where we started. It is my understanding that you indicated that you had not specifically applied for this position; you had applied for any position.

Mr MacDonald: Yes. When I put my application in I was told it was going to go to different ministries and that if there was a ministry that was interested in my qualifications or whatever, that ministry would take the steps. Obviously, Health was one of them.

Mrs Witmer: I don't know when you became aware of the fact that you were an intended appointee for this committee. How long ago would that have been?

Mr MacDonald: About a month ago.

Mrs Witmer: What have you done since that time to familiarize yourself with the council and the work of the council?

Mr MacDonald: Like I say, I have gone to the college and gone through the introductions of senior staff and I know what the building is like and I've been given an orientation manual. There's an orientation coming up on the 18th of this month that new public members who have been appointed to the board will take, and at that time I'll find out much, much more about what the responsibilities are and what you would be doing and what you wouldn't be doing.

Mrs Witmer: How much time will be involved? You're not aware of that?

Mr MacDonald: There are four general meetings a

year that you attend as a member of council, and my understanding is that there are other committees you sit on and it depends entirely upon what committees you would be on, the amount of time you would have to set aside.

Mrs Witmer: I wish you well.

Mr MacDonald: Thank you very much.

Mr Daniel Waters (Muskoka-Georgian Bay): I have a quick question. In some ways I probably have some very definite feelings right now because my daughter just graduated from nursing. One of the things I asked her in the last year to two years as she went through, and I asked her on a regular basis—and I come from central Ontario, small-town Ontario—is, “How much of your nursing education is community oriented?” I also had a situation in my family where my father-in-law had a lung removed and four days later was at home with a wife who has congestive heart failure and there was no community nursing available.

One of the things I found astounding was that as we are moving, the college hasn’t moved with it yet, I don’t think, in training the nurses to work more in the community, VON-type nursing. I was wondering what your feelings were on that, if that is where the nursing should head or that a portion of their education should be in that field.

Mr MacDonald: I feel that public nursing is a requirement but I’m not exactly sure what role the college would play in it as the governing body for the nursing profession. I have to wonder where in the educational system that would fit in. I suppose the college does approve the curriculum for the RNs or RPNs, and whatever percentage of that would have to be community-based I’m really not familiar with.

I would like to say that my support would be on the side of community-based nursing, where more training would be in that area because of the way the health system is today; that is, like you say, that in rural Ontario there may be a doctor 10 miles away, or there may not be a doctor for 100 miles, but if there’s a public health nurse, a VON type of thing every four or five miles, there’s going to be protection there within the health system. I would support that.

Mr Waters: Thank you. That’s all I had to ask.

1020

Mr Robert Frankford (Scarborough East): Good morning. I think you’ve got yourself into a very interesting position. Just from what you’ve been saying, you can see the enormous breadth of what could be involved, even though we obviously understand that the college doesn’t plan the health care system—

Mr MacDonald: But contributes to it.

Mr Frankford: As you say, policies around what the scope of training is in the college’s power will be of great importance in relation to the health care system we’ve got. It seems to me—and I should admit that I’m a member of another profession in the hierarchy—that we are perhaps in a time of shifting philosophies. The established philosophy, perhaps the dominant philosophy, is acute illness, hospitals, hierarchies, doctors giving

orders, making diagnoses, doing operations and nurses working on the basis of orders, which I think in fact still has to prevail for a proportion of health care.

But we’re also looking at another thing, which has not been articulated as well as it should, I feel. But now that we’re getting into long-term care I think that’s an acknowledgement that there is a different paradigm, that the diagnosis is not necessarily of such key importance but a description of what the problems are. I’m sure, as somebody with a disability, that you can very much understand that the actual diagnostic label is perhaps not as important as the functional capacity.

I’m not sure what question I can ask in this but just make my observations, and if you want you can respond about ways in which you could see yourself and the college perhaps helping nurses and other newer professions shifting into that alternative health care approach, which I think can be summed up in long-term care.

Mr MacDonald: I think it’s extremely important to understand that there’s a third side to that, and that is the preventive side. Maybe RNs or RPNs in the college may well have some responsibility in that area to take steps. That would be my feeling on it, that yes, there’s the acute care and the nursing in the acute care and, like you say, there’s long-term care, but there’s also preventive. The preventive is really in rural more so than here.

Mr Frankford: I believe health promotion was put in as one of the acts of nursing when the legislation was put in. I’m not sure whether one should make things exclusive. I’ve no objection to nurses doing it, and obviously, with a college one can demand some standards, but I think this is also something that can be done by people without any formal professional affiliation.

Mr MacDonald: I think we all have to work together, the physicians, the nurses, society in general. We’re not going to get anywhere going in three different directions. We all want one thing, and we should all go together in that direction, I agree.

Mr Frankford: I know it’s not really the function of colleges to discuss economics and methods of payment, although we always seem to get into this when we have these discussions with people from health disciplines. Do you have any thoughts about—

The Chair (Mrs Margaret Marland): Excuse me, Dr Frankford, I just wanted to point out that your colleague Mr Malkowski is on the list and there are only three minutes left. Do you mind—

Mr Frankford: No, I’ll defer. Go ahead.

Mr Gary Malkowski (York East): Thank you and congratulations on your appointment. This is definitely a new challenge for you. My understanding is that your responsibility will talk about standards for training, program standards, professional ethics. There are a lot of different committees and a lot of different colleges, such as physicians and surgeons, nurses, midwives as well—there’s a new college—and there are varying philosophies within these different colleges on the provision of health care services.

One of the challenges for public members is that often it can be confusing talking about different options in

provision of care. The public members are the people who use the service, the consumers of the services. Your résumé is very impressive, the skills there, but could you tell me about how you can contribute to this college, what kind of information and education you can provide to it on different issues, say, related to small communities, northern communities or rural communities' access and standards of service, so that service could be provided to benefit all consumers? How do you feel you could contribute or what could you do in that area?

Mr MacDonald: Well, sir, as I'm sure you're aware, I'm not exactly familiar with how the college works or the council or committees or anything else. I do not know what my limitations are within each of the committees or within the college itself. As far as contributions to rural Ontario are concerned, I really don't know. I would have to say that I would have to use my own common sense and the knowledge I have gained in the volunteer work I have done, which takes in perhaps three quarters of Canada, from province to province to province. I would just have to use my own common sense and make judgements at that time. I don't know what might come.

Mr Malkowski: What kind of skills and knowledge do you bring that you can contribute to the college?

Mr MacDonald: My history with legislation may be one. Although I did deal with federal legislation at the time, I don't really see where it's much different between federal legislation and provincial legislation in terms of an understanding of the process it has to go through. That would be dealing with people. That would be it. Like I say, I am not exactly familiar with the workings of the college, so I can't tell you what I can contribute because I don't know what will be asked of me.

Mr Malkowski: But I feel it's important to have you as a public member because it's important to have public members. There are members from a nursing background, but also you as a public member not from a nursing background have a lot to contribute. I think you'll make a great contribution.

Mr MacDonald: Thank you very much.

The Chair: Thank you, Mr MacDonald, for your appearance before the committee this morning.

1030

SARI DEBORAH STITT

Review of intended appointment, selected by government party: Sari Deborah Stitt, intended appointee as member, Council of the College of Opticians of Ontario.

The Chair: Welcome, Ms Stitt. If you wish, you may make a brief opening statement or we can just start into normal questions of the committee in rotation. Do you want us just to start with questions?

Ms Sari Deborah Stitt: That would be great.

The Chair: All right. This is a selection of the government party.

Mr Waters: Good morning. Welcome to the committee. In the background they gave us on the institution it says it is under the Regulated Health Professions Act, 1991. It goes on to say, "The practice...is the provision, fitting and adjustment of subnormal vision"—for which

some of us in this room, I guess, qualify—"devices, contact lenses or eyeglasses." It's contact lenses I'd like to question you about.

I know you're not of the background of an optician, but as also a consumer, I'm curious: There's been a lot of discussion, and I think we hear it on a regular basis in the papers or on the news, about contacts and whether they're good or bad. In your opinion, does the college or the council have enough control over it or should they check into it more? I'm a bit concerned about people's eyes. They're rather important and I just wonder at times when, for cosmetic reasons, we put these things in, are we doing enough to protect vision, in your opinion?

Ms Stitt: That's an interesting issue and I hope that as a member I'll be able to get a good handle on it and make sure that it is in the people's best interests and not just for cosmetic purposes. As a user, I'm quite sensitive to that issue because I did once wear contact lenses and now I'm back to glasses.

Mr Waters: I won't ask why. You're an accountant.

Ms Stitt: Right.

Mr Waters: Interesting profession. What would bring you to the college? What are your interests? What do you think you can bring to the college from your background, not only being a consumer but with your professional background, that would be of assistance to you?

Ms Stitt: I think my background will be of assistance because accountants are also a self-regulating body and have maintained very high standards for themselves and have a very good reputation for that. I can bring my experiences from going through that in our own system and keeping our own regulations. So I know what's needed to maintain the very highest standards for the opticians as well.

Mr Waters: I never thought of that. You're right. You work within something where it's self-regulated, and therefore would have to have an understanding.

Ms Stitt: Even our day-to-day work involves maintaining very high standards within the companies we're serving, not just our own profession but to make sure that their statements are of the highest standards.

Mr Waters: I think it's called the taxman who comes back and hits you. Actually, I have no other questions.

Mr Frankford: Actually, continuing on professions, I guess your profession also links with other types of accountants and it seems to me that opticians are only one part of the turf related to eyes. There are also ophthalmologists and optometrists. Do you understand yet the interrelatedness and the problems that may be out there in relation to those different disciplines?

Ms Stitt: Yes, I've looked into the difference and I think I understand that the opticians are the ones who actually dispense the glasses or other devices such as contact lenses, but they're not allowed to write the prescriptions or make any diagnoses. That's left to the optometrists or ophthalmologists, which are also two separate groups.

Mr Frankford: Although the optometrist may in fact provide the glasses, having done the testing, I believe.

Ms Stitt: Pardon?

Mr Frankford: The optometrist may in fact be dispensing glasses.

Ms Stitt: So that overlaps, right.

Mr Frankford: Yes. This is something you'll learn about, I imagine, but I think there may well be turf overlaps and the different disciplines claiming they should exclusively be doing one or the other. Does this not also get into questions about the organization and payment and are not many opticians working for larger chains?

Ms Stitt: Right. The industry is dominated by a couple of large chains.

Mr Frankford: Do you have any idea how this relates to the college? Do the chains also dominate the college, do you know?

Ms Stitt: No, they're not supposed to have any influence over the college. It's separate.

Ms Margaret H. Harrington (Niagara Falls): Normally, in these regulatory bodies there are a certain number of public members and a certain number of members of the profession. I believe in this case there are less public members. It says here between five and eight, and then between seven and 10 who are actually members of the profession. How do you see your particular role as a public member of this regulatory body?

Ms Stitt: I see my role as bringing in a perspective other than as a professional. Being more objective and not being as close to it, I can step back and look at it as just a general member of the public rather than as somebody who's working in the profession.

Ms Harrington: Making sure you have your say.

Ms Stitt: Right, standing up.

Ms Harrington: What is your background? Do you have any connections with health-related issues in your past?

Ms Stitt: As a consumer of eyeglasses, and I also have three young children, so I'm very concerned in general about health care and that we maintain high standards and that the public's aware of its rights and understands what it should be receiving.

Ms Harrington: I was going to ask you how you came to apply for this position.

Ms Stitt: I'd heard of it through a friend who's been appointed as a public member on another body and I thought it sounded very interesting and a very good opportunity to get to know a little bit more about the health industry in Ontario and to help out, and I'd do whatever I can to make sure we maintain the high standards.

Ms Harrington: Thank you. I wish you well.

Mr Curling: Let me welcome you, Ms Stitt, to the committee. I was reading your résumé and it's quite an impressive résumé. Of course, accountability is one of the main things that most of the boards and commissions here are lacking anyhow, and I think qualified people and people who can be quite objective could be of great assistance. This is what this government committee is all about.

As a matter of fact, it's rather interesting. I was listening to your answers. These same questions were put before to those who did not have the related professional skills for the committee, and on bringing other professional skills and how you could add to that, I thought you answered pretty well.

Asking you this might be quite unfair in some respects, but I know that in the next coming years, especially in this field, changes are happening and professionals are being monitored in a different way. Do you, not knowing the profession itself in detail, see any challenges ahead or some of the issues that should be addressed that we should be paying attention to, coming in the next couple of years or so, that these are the issues we should be looking at? Do you have any in mind?

Ms Stitt: As you said, once I'm working for the college, I'll find out a lot more and I'll be able to study up on the issues more thoroughly. But my understanding of the current issue is that, as was mentioned, there is a lot of control by big businesses. I see that as an important issue, to make sure that the public's interests are being put first and not the businesses'.

Mr Curling: I just wanted to make that comment and also to welcome you. I don't have any other questions to ask you. I'm just concerned basically to address the upcoming issues, if you had any suggestions for us. But I want to wish you well in your appointment and I'm sure your contribution will be one that will be deserving.

Ms Stitt: Thank you.

Mrs Witmer: I'd like to welcome you here, Ms Stitt, and I would certainly concur with Mr Curling. As I sit and listen to different individuals appear before the committee, I'm sometimes extremely disappointed that given the fact they were notified of their appointments weeks or months ago, they've really done little research to determine what their responsibilities might involve or even be. A lot of them weren't even interested in the particular position to which they were appointed. I think you've certainly investigated what's going to be involved.

Obviously, you don't have a complete understanding of your role or of the role of the opticians and the college and the council, but I was impressed with the responses you gave. I think you will give all the issues a complete and thorough airing. I think you'll look at all sides of the issues, and when you do make your decisions, I think they'll be well balanced and well thought out. I'm quite assured that you will do a good job.

We've talked about the fact that there's a lot of competition in the industry right now, in the whole area of eye care. You've mentioned that big business is very involved. I think that will be your biggest challenge, to somehow make sure that the interests of the public are preserved and that they not be overlooked and big business benefits.

Why are you interested in this particular council, or did you express an interest in any council?

Ms Stitt: I did express a general interest in any council. They all interested me, including this one. I think eye care is a very important part of the health care system and so I'm as equally interested in it as the others.

Mrs Witmer: You're pleased with this particular appointment, then?

Ms Stitt: Yes, I am.

Mrs Witmer: Do you have any idea at the present time as to the workload involved, how often meetings take place, what type of subcommittee involvement there will be?

Ms Stitt: I have a general idea. Are you asking what it's going to be?

Mrs Witmer: Yes.

Ms Stitt: I've been told a minimum of four days a month, probably around that, depending on what's going on, that it's not that predictable.

Mrs Witmer: That's right. I don't have any further questions. You certainly are one of the candidates I will feel comfortable approving. There are many who come whom I don't. But I think you're well qualified and I wish you well in your endeavour.

Ms Stitt: Thank you.

The Chair: Thank you, Ms Stitt, for your appearance before the committee this morning.

Members of the committee, we could have a break until 11 o'clock. The advantage of that would be that the subcommittee could have its meeting now rather than at 12 o'clock, if we can find Mr McLean. If not—

Mrs Witmer: If not, I've got his sheet.

The Chair: Oh, great. Would you like to have the subcommittee meeting now and then we'll have the rest of the committee resume at 11 o'clock? Thank you.

The committee recessed from 1043 to 1109.

The Chair: We're going to resume our review of intended appointments. We apologize for being 10 minutes longer than we had planned with our subcommittee meeting.

GILLIAN SANDEMAN

Review of intended appointment, selected by third party: Gillian Sandeman, intended appointee as member, Ontario Board of Parole.

The Chair: Welcome, Dr Sandeman.

Mrs Witmer: Just as an introduction, perhaps you could indicate to the committee why you are particularly interested in this position and also what you feel you can bring to the board.

Dr Gillian Sandeman: I'm really interested at this stage in my life in finding some areas in which I can work to be of service to the community from my home base of Lakefield. One of the threads throughout my whole worklife has been involvement in justice and corrections. When I became aware there were part-time positions available on the parole board, it struck me that that would tie together many of the interests I've had.

In terms of what I can bring to the board, I can bring a fairly in-depth knowledge of the corrections system in Ontario and across the country; experience in decision-making around legal issues from my many years on various legal aid committees; a knowledge of the community; some understanding of offenders and how they present themselves and what their problems are; and

some understanding too, I believe, of the needs of a community that must welcome back—"welcome" is sometimes the wrong word—must receive back into it people who've been incarcerated.

Mrs Witmer: Are you currently employed?

Dr Sandeman: No.

Mrs Witmer: One of the issues, of course, that has been facing the legal system now for some time is the whole issue as to how we treat the victims of crime. Many people are concerned that scant attention is given to those individuals. Certainly, one of the questions raised has been the rights of victims of crime in relationship to the criminal justice system, the right to be informed of the release of a parolee etc, and also the opportunity to testify. What's your opinion? What more should we be doing in the province of Ontario as far as balancing the rights of the victims of crime is concerned?

Dr Sandeman: It's hard to say what more we should be doing. We've come such a long way in the last 20 or 30 years. When I started working in corrections, nobody really wanted to hear from victims. Now victims have the opportunity to make victim impact statements, to have their opinions heard by the parole board and so on.

One of the things that I'm not sure about and that I'd like to find out about at the parole board is how assertively the current parole board and indeed the whole ministry of corrections attempt to alert victims to the rights they have. I think it's a delicate situation because victims can be victimized a second time by intrusive and heavy-handed requirements of the court.

I, for instance, don't feel it's appropriate that all victims of all crimes should always be approached and asked to take part in legal proceedings, whatever they may be: court hearings, parole board hearings. I think this has to be a matter of choice. They are not the offenders. We can require an offender to be in court. We can require a witness to be in court. But after that, people must be able to make their own choices whether they wish to remain involved in the system.

That's why I say it's really important that we make it clear to people how they can be involved, without coercing them, intimidating them, revictimizing them. In fact, in many cases, particularly for cases in provincial court, people are happy to say: "It's over, it's done. The court is looking after this. There's been a punishment. Don't bother me with it again. It was bad enough at the time." Others, on the other hand, want to be heard. It's those people we must make sure we reach out to and make them aware they have the opportunity.

Mrs Witmer: I hear what you're saying. I guess the problem is, this has been an ongoing concern. This government says that it's interested. Cam Jackson from our party has certainly put forward different initiatives to make sure that the rights of victims are recognized, but nothing's happening. How can we be assured that you're going to take any action whatsoever to ensure that the rights of victims are given due consideration?

Dr Sandeman: I think there are two things. Some things in fact have happened. There's a very good leaflet now dedicated to explaining to victims what rights they

have, and that wasn't available until 1992.

One of the ways in which a member of the parole board can take action, I think, and as I say, I don't know yet what the parole board is doing, but I do believe that at hearings, if there's a sense that, for instance, a victim has wished to make a statement, the board has been informed of that and we don't have it yet, I would be asking my panel co-members to consider a deferral until we have it. I wouldn't consider the information complete. I'd really want to have that statement if they've exercised the right to phone or write and say, "I want to make a statement." "It's not in my documentation. I'm sorry. My documentation isn't complete."

Mrs Witmer: I certainly hope you will give the attention that you've indicated you're anxious to give, and I wish you well.

Mr Allan K. McLean (Simcoe East): I have a couple of questions. When somebody is released on parole, do you believe the victim should know that they've been released?

Dr Sandeman: If they wish to, and they have that right. As I said before, many people don't wish to continue to be involved with the justice system. Many crimes are victimless crimes. It would be difficult to know in many cases who the victim is, for instance, in a commercial crime of fraud, cases of that kind.

What we really are concerned about when we talk about victims are people who are victims of things like break and enter, which can be extremely frightening and upsetting for individuals and families, people who are victims of assaults. If they wish to be informed, they have the right to be, and again I come back to what I was saying to Ms Witmer, that I'm not sure what steps the parole board is currently taking to make clear to victims that they have that right.

I think that would start very early in the process. At the time of a victim being a witness and a sentence happening, I would hope there are opportunities in the court for people to receive all the information they need so that if they want to get that information, they can. And they can do that, of course, without having made any statements to the parole board. They have the right to phone for the information.

Mr McLean: There was a committee that reviewed the information with regard to the victims, on request, and there was a report done. Are you familiar with that report?

Dr Sandeman: No, I'm not.

Mr McLean: Your appointment can be made for one, two or three years. What is yours, a one-year, two-year or three-year appointment?

Dr Sandeman: I don't believe I've been informed. Have I? Somebody from the parole board here might know that. I think they're all normally for one year. My understanding is that all community appointments are initially one year, renewable.

Mr McLean: Somebody from the back has indicated it is for a one-year appointment.

The other question I had is with regard to the victim of sexual assault, if the victim so requests, being interviewed

only by a police officer of the same gender. Would you have any comments with regard to that? That was part of the victims' bill of rights. I guess the bottom line is, do you agree with the victims' bill of rights?

Dr Sandeman: Yes, as long as the bill of rights for victims results in some action for victims, and when we're talking about victims of sexual assault, I think certainly for most victims it's self-evident that they probably would prefer to be interviewed by a person of the same sex. But that's not going to help the victim if the person of the same sex doesn't have the sensitivity and understanding to handle that interview well. I think there have been enormous strides made with community agencies, rape crisis centres, people working with victims of violence and the police over the last several years to train police, to have the police working closely with communities, with hospitals if there has to be a medical examination. So a bill of rights that protects the right to have someone of the same sex, yes, that's helpful, but it goes way, way beyond that in training and sensitivity and understanding so that, as I was saying earlier, the process of investigation doesn't revictimize the victim. That, I know, is at the core of the notion of a bill of rights.

1120

Ms Jenny Carter (Peterborough): Welcome, Gillian, to this committee. I've known you for, I think, more than 25 years, so the information on your biography is something that I've seen happening and I know at first hand the kind of contribution you've made both as a volunteer and in the various jobs that you've held. It seems to me that you're almost overqualified for this position and I'd like you just to remind us of some of the things that you've done that are very relevant indeed to this.

Dr Sandeman: Jenny, your remarks are very kind, but I think it's hard to be overqualified for a position that is so sensitive and carries with it a huge responsibility. But I have been involved with the criminal justice system as a civil servant, an employee of the Ministry of Correctional Services. I was one of the few civil servants to be elected to the Legislature, and because of my experience being an employee of the ministry, I was made the critic for corrections, which made for some interesting discussion at estimates time between the opposition critic and her former colleagues. After my brief stay in the Legislature—I hope all of you have a longer stay than I did—

Ms Carter: We have already.

Dr Sandeman: —I decided not to exercise the option to go back to the civil service, but to look for voluntary sector positions in the justice field. I worked then with the Elizabeth Fry Society and during that time I became very active in national bodies dealing with criminal justice. I was president of the Canadian Criminal Justice Association and in that capacity spent a great deal of time with people at all levels of the corrections and justice system.

I then worked in an agency which dealt with young offenders and continued my interest in the justice field. I was a probation and parole officer, and back in those days the federal parole officers did most of the supervision of the provincial cases. There has been a great deal

more emphasis now on the province taking the responsibility for its own parolees. As I said earlier, I'd be really interested in the opportunity to work again in the corrections field in parole, which I think is an extremely important facet of corrections, and use some of the things I've learned along the way.

Ms Carter: There's just one specific question I would like to ask you before I hand over to Mr Malkowski. Sometimes people are paroled and they turn out not to have been trustworthy and crimes are committed, and then of course this hits the headlines and there are questions in the House and so on. Obviously, it's very difficult for anybody to know, even if they've interviewed a person, whether that person is pretending to be repentant and so on or whether they're actually going to go out and do it all over again.

Apparently, it's been argued that it might be better not to base these decisions on personal judgement, but to use a statistical approach, because there is some correlation between a person's actual record and whether they're likely to reoffend. Do you have any opinion on whether it might be a good idea to grant parole on that kind of basis rather than on the current practice of making a personal judgement?

Dr Sandeman: I don't think it's either/or. The whole business of assessing risk is very, very difficult and any tools that one can use to help in that assessment are valuable. People are doing more and more sophisticated kinds of forecasting, which of course can be wrong. You can have all kinds of false positives and false negatives if you just rely on that.

I think we have to remember that offenders are human beings, the community to which an offender is returning is made up of human beings, and the value of the face-to-face interview can't, in my opinion, be overstated. But that has to be based firmly on hard information as well as the opportunity to question people to find out a little bit more about their attitudes, the realities of their life, than any paper trail will show about them.

One of the things that I think is difficult in interviewing people for parole is that of course people want to put their best face forward, of course they are going to say, yes, it's all going to be fine. I think one of the purposes of the interview is to do a little reality checking with people and, in as non-threatening a way as possible, really have a look at that pre-parole report and see if there's some basis of reality there and whether they're in touch with what's going to be waiting outside.

Mr Malkowski: I'd like to congratulate you on your appointment to the board. This is certainly going to be a very challenging position. From your experience, you've been a front-line worker as a parole officer, you've been a community activist, moved into a management level, then critic of the correctional system, so obviously you have a very holistic approach in terms of having been involved in the system in a variety of aspects.

Of course, there's a lot of criticism on the parole system in general, that I'm sure you're very much aware of. What I'd like to ask you is whether you feel there is a need to establish a mechanism specifically looking at accountability for people who are members of the parole

board, or what type of mechanism do you think needs to be included in the system or to be established in terms of making sure that the members of the parole board are accountable to society?

Dr Sandeman: My understanding is that the parole board is currently working towards a set of standards for community members of the board and also for full-time members, and that part of the requirements should be at least an annual review of all members, their performance, how they're doing on the job. I think that is absolutely indispensable in any job, particularly in a job that carries the kind of responsibility and the possibility of negative results that the parole board appointment does.

I would hope and I understand that the board is serious about holding people accountable, and I would think too that this committee—I don't know if you review people at the time of reappointment or if you only talk to people like me at a first appointment. Ultimately, the parole board is responsible to the Legislature of Ontario. I hope this committee would take its responsibility seriously and call back members at reappointment time as well as the normal staff evaluations which should and must go on regularly.

1130

Mr Malkowski: Of course, there's also a huge challenge in terms of media reporting. Sometimes there have been mistakes made, and the media at times I think can be misguided in terms of how issues are reported. How are you going to deal with making sure that real facts get out to the community? Certainly there are problems within the parole system, but how do you balance what the media may overplay or may misrepresent with the facts, the negatives and positives of what goes on in that system? Can you give me some ideas of how you would deal with that?

Dr Sandeman: First, I should say that I don't think it is the responsibility of an individual community member of a board to be directly commenting to the press on parole decisions that have been made where a decision becomes newsworthy. I would hope that the training available to parole board members would make it clear to me what the protocol is if, say, the Peterborough Examiner were to call me. I imagine I would defer questions much further up the line than myself.

But in general, I understand that in some areas of the province already the board is being proactive in trying to inform editorial boards and newspapers and television stations about the facts about parole by sending them a very user-friendly fact book. I would hope that becomes common practice and that perhaps the board might want to meet, for instance, with the editorial board of the *Toronto Star* to try to do some basic provision of facts.

Everybody in this room knows that you can't control the press even if you give them all the facts, but I think there is a responsibility for some real action on the part of the parole board in general to try to keep the media informed so that when things do blow up, at least they are beginning from a basis of fact and not from a perception, for instance, that 85% of parole releases fail rather than the fact that 85% of parole releases in fact are successful.

Mr James J. Bradley (St Catharines): Bob Rae, when he became the Premier of Ontario, and previously when he was Leader of the Opposition, indicated that it was his desire to see such things as the legal system depoliticized and suggested that patronage appointments would certainly be rare. That was certainly the impression created. Do you believe that your appointment, having been a former NDP member of Parliament and having worked for the present Rae government in an office of a minister and for the government as a whole, would give the impression that the Premier is going back on his suggestion that he would try to depoliticize appointments to the legal system?

Dr Sandeman: I think if you try to depoliticize appointments, what you're saying is, "We will appoint people who have the qualifications necessary for the position." I believe I have the qualifications necessary for this position. I also have qualifications related to my political career, and I'm not ashamed of those. In some situations, if I were applying for other jobs, they could well be the things I would highlight. But as long as I am satisfied, the parole board which interviewed me is satisfied, and you are satisfied that I have the qualifications for the job, the fact that I've also been involved politically is probably irrelevant.

If, however, I were applying for a position for which I had no qualifications, no experience, and I came before you in that kind of situation, your supposition might be correct. But I don't think it's correct in this instance. You're inevitably going to find people of all political persuasions appearing before you for jobs for which they have the qualifications.

Mr Bradley: I guess the question was asked in light of the fact that Mr Rae gave an impression that things would be significantly different, and I have not found that to be the case in a general sense.

Second, I think there would be a perception, and you will correct me if I'm wrong, that you would be considered to be a small-l liberal on legal matters as opposed to a small-c conservative on these matters. At a time when the public appears to be somewhat less than small-l liberal on matters of crime and justice—I heard Ms Carter indicate that you perhaps would be overqualified for it. There are a lot of overqualified people making decisions right now with which the public at large disagree, which brings me to the question, what role should public opinion play in the activities of the parole board of the province?

Dr Sandeman: The parole board obviously has to be aware of public opinion, but parole decisions, if they are to be fair and just, must be based on a whole variety of information. The climate of public opinion would be in my view one thing the board would be keeping in mind, but it would be grossly unfair, whatever the public opinion, whether it were extremely liberal or extremely conservative at any given time, if parole release decisions were to be based upon that. They have to be based on the likelihood of success of the individual, the safety of the community and all of the normal criteria that the parole board works on.

There are different ways in which public opinion might

come into that decision-making. The likelihood of success, for instance, of a parolee whose plan is to return to a neighbourhood which is extremely inimical to him is small. One would want to look at the parolee's plan and suggest, "Maybe this isn't very smart on your behalf." But I don't believe we have a criminal justice system which puts responsibility on individuals to make decisions and then expects them not to make informed decisions but to put a finger up to see which way the wind is blowing.

Mr Bradley: I don't think that was my suggestion, but you have come around to what role public opinion should play. The public out there is angry enough with politicians who they feel do not reflect their views, but they can get at me, they can throw me out. They can't throw appointed people out as easily or they can't throw the civil service out, and that is the context in which I asked the question.

There are a lot of people in the province of Ontario today who are almost afraid to walk the streets at night. Do you believe their fears of crime are exaggerated?

Dr Sandeman: Yes, I do. Statistics in fact and the courts and police records show that we really don't have a huge increase in random violent crime on our streets, and that's why people are frightened. I walk myself at night, I'm a walker, and I know that we are safer on the streets when a lot of us are walking. This is an aside really, Mr Bradley, but one of the bad results of a climate of fear is to remove a lot of people from the streets and to make the streets a more friendly environment for the one odd person who wants to do a mugging, who looks and sees that the street is empty except for you or me, whereas 10, 20 years ago, we were all, I hope, walking the streets.

Mr Bradley: Do you believe that the Young Offenders Act as it is presently constituted requires some tinkering or some substantial change to toughen it or to make it more liberal?

Dr Sandeman: I'm not sure that the Young Offenders Act has ever really been given a fair chance by a large portion of the population, who frankly don't know the details of the legislation. How many of us know the details of any piece of legislation unless you happen to be working on it at the time?

I think the core philosophy of the Young Offenders Act requires an extraordinarily difficult judgement about the blend of responsibility of a young person for their acts and at the same time the recognition that this is a young person who is not yet fully an adult, with all of the abilities that we adults are meant to have to distinguish between right and wrong, to understand the results of our actions, to think before we act and so on. I don't think people have really come to grips with how difficult that piece of legislation is to deal with.

For some people the notion of treating young people differently because they are young has gone out the window—these are the folks who say this act isn't tough enough—and for some people the notion of treatment and forget the criminal responsibility for a young person has gone out the window.

So my concerns about the Young Offenders Act are not the ones that we are seeing in headlines at the moment. No, I don't believe that we should be sending a young offender to prison for 25 years.

1140

Mr Cleary: Welcome to the committee. One question I might have is, when this opening came on this committee, did you approach the government or did they approach you?

Dr Sandeman: I wrote a letter of application to the unit in the Ministry of Correctional Services that deals with these appointments.

Mr Cleary: Having been an NDP MPP and then an official in this government, I take it you feel that experience will help you perform your duties much better.

Dr Sandeman: Yes. Actually, it's interesting, because I think one of the things you learn as an MPP is to listen to very broadly and widely differing opinions which may be different from your own, to take a reasoned approach and to learn to work in a collegial kind of way, as I'm sure all of you do on committees. Yes, I think that is useful. Am I understanding your question?

Mr Cleary: Yes. When we speak of the eastern region, what are the boundaries of your duties?

Dr Sandeman: The eastern region actually is very broad. It goes all the way over to Ottawa, Quinte and way north of Peterborough. My understanding is that in the interests of looking after the taxpayers' dollars, the board tries to use its community members in the local area. So I would expect that the major part of my work would be connected with Millbrook, Peterborough, possibly Lindsay, Cobourg, and not be spread across the whole region, although I would expect to be trained and be part of meetings for the whole region.

The Chair: I'd like to thank you for your appearance before the committee this morning, Dr Sandeman.

PAUL URBANOWICZ

Review of intended appointment, selected by official opposition party: Paul Urbanowicz, intended appointee as member, Council of the Royal College of Dental Surgeons of Ontario.

The Chair: Good morning, Dr Urbanowicz—Mr Urbanowicz.

Mr Paul Urbanowicz: Thank you for the upgrade in the title, Madam Chair, but no. Good morning to everyone.

The Chair: Welcome to the committee. You were selected by the official opposition. We'll start with Mr Curling.

Mr Curling: It seems to me it is a standard question that we ask now because it seems quite relevant—today should be an NDP day, anyhow—are you a member of the NDP?

Mr Urbanowicz: Yes, I am, proudly so.

Mr Curling: Very good. I ask that too because yesterday I got a speech from Mr Duignan about the Liberal time and how things have changed in appointments. Even yesterday it seemed that if we know people in the right places, we get an appointment. How did you

come to know about this job, about this appointment?

Mr Urbanowicz: Just to give you a brief background if I might, please, I currently serve in the city of Brantford as an alderman there. This is my second term. Through that, I also sit on the Brant District Health Council, and have for years, in my view, thought that health is a major issue within the province of Ontario in dealing with people. Through my term on the health council itself, dentistry in that area has come up on more than one occasion in regard to proper dental care within Brant county itself for not only seniors—there were a couple of issues—but as well for the children in schools.

When going through the different appointments that I could have, I looked at that and thought that this would be challenging and that I would like my name to stand for that position.

Mr Curling: I'm getting from your response that part of your interest would be in children's dental care. Did I get that right? Where would you think your emphasis most would be placed while you're sitting on this committee?

Mr Urbanowicz: I don't necessarily believe it's children's health care, but that prompted me to look into what is going on within the province itself at this particular point in time. I found that on dental care within the province, if most people ask about it, they don't really understand it. I thought that being able to serve on a board like this, maybe we could bring dental care to the forefront in terms of people understanding. As far as serving on the committee is concerned, in whatever capacity would be needed, be it a main committee or a subcommittee, I would be quite open to sit on any of those committees and help bring dental care forward within the province itself.

Mr Curling: My colleague Mr Cleary asked a very interesting question of the previous nominee who came before us, or the person who was appointed. As Mr Malkowski is always saying, the persons who will come before us have already been appointed anyhow. But I thought it was a rather interesting question. He said, and I'll ask you too, do you think that as a member of the NDP, it would assist you and help you in being a member of this committee?

Mr Urbanowicz: I'm not sure if I fully understand what you're asking. In terms of party affiliation with the governing body at the time?

Mr Curling: Yes, if it would help with the Royal College of Dental Surgeons, if sitting in there it would help you being affiliated with the NDP and knowing the government, Norm Jamison and all those there, if it would be helpful in carrying out your duty.

Mr Urbanowicz: It may be helpful to the college in order to get its message across, and if there are any inquiries from the public itself, it's always good to know people who are not only governing, but even people who are in opposition, because they can sometimes break down the barriers that you might need in order to get a message across or get the message across to the MPPs who are now sitting within the government.

Mr Curling: So you think that the message you will

bring to the college itself, the philosophy of the party, that you understand that and bring that message to the college, will be better transmitted, better translated.

Mr Urbanowicz: I don't necessarily feel there's a message or any kind of dogma that needs to be brought to the college from any particular party, to be quite honest with you. The help I was trying to explain was in terms of, if the college was trying to get a specific message across or if we felt there was a certain law that needed to be passed or certain legislation that needed to be passed, then the affiliation with the NDP might be helpful in terms of that way, in order to bring that to the forefront for them.

1150

Mr Curling: There is also a concern that dental health is not supported as much as, we would say, ordinary medical health. In other words, OHIP pays for all your visits to the doctor, but not everyone has that access unless they have some insurance or so. Do you feel that at some time the provincial government would have a plan like OHIP so that anyone could go to a dentist and get that type of service paid for by government?

Mr Urbanowicz: I believe that somewhere down the line that has to be looked at. I believe that in the past health care, whether it's dental hygiene, could be directly, and has been in most cases, identified with direct health care. I believe that people who do not have access to that type of proper health care definitely should be given that, in one form or another.

Mr Cleary: What are you doing at the present time?

Mr Urbanowicz: I work for a cage manufacturing company. We're in the poultry business.

Mr Cleary: That was my only question. Thank you. Good luck.

Mrs Witmer: My first question is concerning your employment with Norm Jamison. It says here that you were with him in 1993. Which dates were you with Mr Jamison?

Mr Urbanowicz: That would be the fall of 1993, which would be October—I'm trying to remember the exact date—mid-October till the end of December.

Mrs Witmer: So you were only with him for two or three months.

Mr Urbanowicz: Temporarily, that's correct.

Mrs Witmer: Why did you leave his employ?

Mr Urbanowicz: I was under contract at that point in time and the individual came back to work.

Mrs Witmer: I guess I'm just a little dismayed today. I feel that I'm a rubber stamp here approving all these patronage appointments that are coming from the NDP. Some of the people have been employed and others are not employed. We've had two people now today who seem to be looking for employment. It really doesn't matter whether I agree or not with any of these appointments. They're all going to be approved anyway by the NDP in order to give jobs to people who have been faithful in the past. It's a little frustrating.

Mr Urbanowicz, you've indicated that you're looking

for a job. How much is this going to pay you per day?

Mr Urbanowicz: I have no idea. I didn't believe that it was a full-time job. I understood that it was more or less in line of volunteering. It may be two to three meetings a month. In my view it's just branching out from a level of sitting on different boards that I have been doing now since—actually, I started volunteering and sitting on different boards when I was a teenager. I believe that this is just another step forward on to a provincial level, that I might be able to help in some way with my experience from sitting on past boards.

Mrs Witmer: Obviously, you're going to be paid a per diem, so there will be remuneration coming to you. I'm not sure what it's going to be either or how often you'll work, but certainly there will be additional income.

You've indicated that you'd like to provide, as you said, proper dental care for seniors and children. How would you like to provide that proper dental care for seniors and children?

Mr Urbanowicz: I believe the statement I made—it was to Mr Curling, was it, who was there?—was that for me sitting on the Brant District Health Council itself, and actually the Brant health unit, that those two areas had prompted my interest because it had been brought up that proper health care was not there for the seniors or for a number of children within the municipality and the county itself. That prompted my interest to take a look at the college of dental surgeons and maybe get on that, not necessarily that I have all the answers in terms of how we would go about doing that. But that did prompt my interest, because I'd seen this happen in a number of situations within Brant county, the county as well as the city of Brantford, where proper dental care was not being supplied.

Mrs Witmer: What do you consider proper dental care? I guess that's what I'm asking you.

Mr Urbanowicz: I would consider routine checkups, which I believe and we have identified within Brant county are not happening at this particular point in time, which lead to more trouble down the way with seniors as well as young children. They are not able to either afford to do it, or the fact that with no money in hand, they let their teeth go to a degree where they end up in hospital sick from abscesses and what not. We have documented records of that.

Mrs Witmer: Do you not have a dental clinic as part of the Brant county administration that deals with seniors and children in the schools?

Mr Urbanowicz: Yes, we do, but because of cutbacks and the number of problems within that area, the growing problems in that area, we find that not everybody is able to get access to that. That stems from, I believe, in a great sense, the lack of information that's put out there, that this is accessible. This is one thing I've noticed all along, that people are not aware of what is out there for them, especially in the dental area.

Mrs Witmer: I would suggest to you that this is more an issue that would relate more directly to the individual municipalities as opposed to an issue for the college to deal with. I know there's been good communication with

municipalities. There have been offers made to the government regarding treatment for seniors, treatment for children and what have you. There's been ongoing communication, so I'm not sure what more you're going to be able to do personally in that area at all.

You've indicated that you're going to have greater access to the government because you're NDP. Does that mean that the government doesn't listen to anybody if you're not NDP?

Mr Urbanowicz: No, I don't believe that I said that I was going to have greater access because I'm a member of the NDP. I said that being a member of the NDP, or for that matter if one were a member of the Liberals or the Conservatives and they were in power or they knew people who were members, as yourself as an MPP, and I knew you and I was sitting on a board like this or any other board, it most certainly would be of benefit, because that would definitely help to get the message across or if there was a problem.

Mr McLean: I have a short question for you. Do you believe the seniors over 65 should have free dental care, provided by the province?

Mr Urbanowicz: I believe that everybody should have access to proper dental care within the province of Ontario. I do believe that in any kind of health care we have to take a look at what it is and what type of health care we're looking at before we just say it's completely free.

Mr McLean: Would you be discussing that within your group, that very issue?

Mr Urbanowicz: If that was brought up, I think it's something the college of dental surgeons should be looking at.

Mr McLean: Would you bring it up?

Mr Urbanowicz: Yes. I don't have any problem with bringing that up.

1200

Mr Frankford: Welcome. It's interesting to hear the discussion this morning, and also you should have been here yesterday when we had somebody for the college of chiropractors and the same questions about, should there be some obligation and does the college have a role in ensuring that necessary services are available to all? I think one could say that there's perhaps been a tone of fiscal conservatism from this side and more enthusiasm from the opposition parties to go ahead with something, but maybe that's what you expect. I guess it can be argued on the one hand that the college doesn't set policies particularly around payment, but I think on the other hand it does represent the public interest in ensuring that necessary health services are available. I think I can pick up from what you're saying that you would like to do that.

In this briefing of the objectives of the college, or what you can do, it does say that one of the things is, "Any other objects relating to human health care that the council considers desirable," so presumably they may do it, and as a council member you could put things on the agenda yourself.

Mr Urbanowicz: Most definitely.

Mr Frankford: Do you have any other thoughts about things you'd like to put there?

Mr Urbanowicz: I believe there has been, over the past decade, more identified in the area of sexual harassment or abuse actually within the dental profession. I believe that's something that needs to be scrutinized very closely and looked at. Just for a bit more background, I am now the chairman of the race relations and human rights committee for the city of Brantford. Through discussions with different groups and sitting on the health council, this has cropped up. It has not been a major bell ringing, but it has been brought up on more than one occasion and I believe that's something that the college of dental surgeons should be taking a look at.

Mr Frankford: One other area which I think will come up and which relates to the prevention that you mentioned is the relationship with dental hygienists, who have a separate college. I think there may be some turf battles or whatever in the relationship there. Are you aware of that and do you have any thoughts on that?

Mr Urbanowicz: Yes, I have heard, Dr Frankford, that there are grumblings, we'll say, in regard to that and I believe it's going to take a fair bit of clear-headed thinking by the college of surgeons and the people who sit on the board to be able to head anything off. I believe that if the split is there it can be a very amicable one when it does come entirely, and I believe that instead of butting heads they should be working together for the betterment of the profession as a whole.

Mr Frankford: That's really a good justification for having lay members, that it's not perceived as just turf battles between professionals.

Mr Urbanowicz: Most definitely.

Ms Carter: I'd like to start with a comment that arose out of what's already been said. It seems to me that the older I get, the more I feel, looking back, that perhaps I've needed dentists more than I've even needed doctors. You know, even when you have a pet, it's the teeth that have to be looked at very often as they get older.

I certainly have this feeling that dental coverage should be available to everybody. I remember when I first came to Canada, which was when I was already an adult, I thought: "It's a funny thing, but you can tell who's had a prosperous background as they've grown up." The ones with the really good teeth were the ones with the middle-class homes and some of the working-class kids had really rotten, awful teeth or had had them out and had dentures.

If you're concerned that dental care become more available to more people, I would certainly concur with that. Certainly my husband was covered, while he was working, by a dental plan. Now he's retired and he had one year's grace and it's now gone. You look to privileges as you get older, hopefully, and this is certainly one minus that happens when you hit that age of retirement.

As I said, that issue has already been discussed. I'm just wondering what some of the other issues are that maybe haven't been mentioned already that you feel you might expect the college to face while you're a member of it.

Mr Urbanowicz: Some of the subcommittees have been set up to look at if there have been complaints brought forward by the public to the college of dental surgeons. I believe that you have to be very proactive in committees like that in terms of making sure that the public doesn't view a committee like that as, say, a rubber stamp where you bring the complaint forward and automatically it's going to be fluffed off because the board is made up entirely of members of that profession. I believe that is a very important committee and I believe they do have one standing right now.

The other various boards, quite honestly I apologize, I've had no briefing on whatsoever. I had my rad hoses blow on me on the way down here so I was a few dollars shorter in the pocketbook while I was getting here.

I believe the challenge in sitting on this particular board is the fact that it has always been viewed, and I've said this earlier, that dental care within the province of Ontario, and I would assume throughout Canada itself, has always been put in the background. You seem to always go to a dentist very reluctantly. I believe that through the college of dental surgeons they have to do a lot more work in terms of letting people know what they're really there for.

I'm open, as I said earlier, to sit on whatever committees they might need me to sit on, because I believe it's that important a committee that I would be quite open to help out in any way, shape or form that I can.

Ms Carter: Okay, so you're going to be playing that watchdog role and making sure that the profession doesn't act in its own interests rather than those of—

Mr Urbanowicz: Most definitely. It's got to be in the public interest. They're the ones who are paying the bills.

Ms Carter: Definitely, yes.

Mr Malkowski: Just for the record, I'd like to respond to the member of the opposition who had asked the question regarding patronage. We have to take a look at PC and Liberal appointees also whom we have appointed because of qualifications. So I think it needs to be clear that we are looking at people's skills and qualifications, not what their party affiliation is. I congratulate you on having been able to bring a résumé to us that shows the qualifications you have.

What I'd like to get again, just for the record, is your opportunity to state the skills that you see that you bring to this type of a committee, because I think that needs to be on the record.

Mr Urbanowicz: Thank you very much, Mr Malkowski, for the opportunity. In serving on the number of boards in the public sector that I have over the years, as well as serving as an alderman in the city of Brantford, those skills, I believe, are paramount because they will enable me to take an objective look at whatever problems happen to come before the commission or the college of dental surgeons. I believe that sitting on the health council itself, the health unit, has given me valuable insight into how medical care within the province itself is interrelated. One can say that if you have good dental health, that seems to work hand in hand with your physical health as well, and that has been proven time

and time again. I believe the objectivity I can bring, because I've had to sit as an elected official of the city of Brantford and had to make determination and find middle grounds in a lot of areas and sometimes take a hard stand in regard to issues and what has to be done or what I feel has to be done. So I believe those types of experiences, as outlined in my résumé, will be a great help to the college of dental surgeons.

Mr Malkowski: It's very valuable information that you've shared with us and I'm disappointed that the other members are not here to have a chance to listen to you as you explain the skills that you do have. It's a shame that the PCs and Liberals have all left the committee room and not had a chance to hear this valuable information.

The Chair: Just a point of order: It is not customary for members in the House or members in committee to comment on the absences of other members. In fairness, I would say the same thing if it were any party that was absent at the time that comment was being made.

Mr Waters: Indeed, Madam Chair, we happened to run over time. I was able to reschedule my luncheon meeting. Not all members are able to do that.

The Chair: Thank you. Continue.

Mr Malkowski: All right. What is important here as an appointee to this committee is, I'd also ask, what do you see as your primary focus?

Mr Urbanowicz: That's a very good question. I guess the primary focus to me would be to make sure that everything is aboveboard, and make sure that whatever happens within the college of dental surgeons, nothing is just fluffed off or put to the side, that everything is kept in the forefront and that anybody who makes inquiries to that board is given proper information back or a proper response in a timely fashion.

The Chair: Thank you for your appearance before the committee this morning, Mr Urbanowicz.

The committee is adjourned until 2 o'clock.

The committee recessed from 1211 to 1404.

SUBCOMMITTEE REPORT

The Chair: The first order of business this afternoon is to approve the report of the subcommittee, which met this morning. I understand you all have copies of the subcommittee report, so if someone would like to move approval, I would appreciate it.

Mr Curling: So moved.

The Chair: Moved by Mr Curling. Any discussion by the committee?

Ms Harrington: We don't happen to have Mr Waters with us.

The Chair: Oh, you don't. That's right.

Ms Harrington: Are there any problems with it?

The Chair: If there are, when he comes back he can bring those to the attention, but he agreed with the subcommittee meeting. I mean, he was part of the subcommittee meeting this morning, Margaret.

Ms Harrington: Yes, I know.

The Chair: If there are any questions, he's free to raise them when he returns.

All in favour of the subcommittee report? Thank you. That is approved.

INTENDED APPOINTMENTS

HARRY H. CHAN

Review of intended appointment, selected by government party: Harry H. Chan, intended appointee as member, Ontario International Corp.

The Chair: We move to the first intended appointment this afternoon, Mr Harry Chan. Welcome to the committee. If you wish, you may make a brief opening comment to the committee, or we will just start in rotation with questions from the committee members.

Mr Harry H. Chan: Maybe we should start with the questions first, then maybe I'll have a conclusion.

The Chair: Excellent. This, Mr Chan, is a selection of the government party. Who would like to start for the government party?

Mr Frankford: Can you tell us in some more detail why you are interested in this appointment and what you'd hope to achieve?

Mr Chan: I'm with a company called the Foundation Co of Canada. We are a construction company. In fact, the Foundation Co has been the icon of the construction companies in Canada. We built the CN Tower, Terminal 3 recently, so we, over the years, have had a lot of involvement in the international construction business.

I must add too that I did sit on the other side of the fence at one point of my career, being a Canadian trade commissioner posted in Nigeria. During that time, in responding to requests in the host country, I tried to get Canadian construction companies to pursue opportunities in the developing countries, and I found it very difficult. The only exception was, at that time, the Foundation Co.

Over the years the Canadian construction industry has dabbled in international business, but not with great success. I feel there is a lot of interface between government, whether it's federal or provincial government, with the private sector in the construction companies before a significant improvement could be made in capital projects overseas. I am more than willing to share the experience from both angles with the industry to see that coming about.

Mr Frankford: Could you perhaps elaborate a bit on your Nigerian experience and what lessons it provided?

Mr Curling: You'd need about two weeks.

Mr Chan: And of course we are talking about a market that represents the most difficult scenario, so when you start from that extreme, all the other markets seem to be okay.

Regarding the construction industry, I would also like to draw the difference between the construction industry and the consulting engineering industry. Together, we are the Canadian thrust for capital projects internationally. The consulting side normally is a lot more mobile, a lot more aggressive, because the intention is to sell the expertise, the man-hours, and that expertise is carried within a person who has two legs, who can go there and come back when things get tough. But in a construction company, we serve our expertise in the realization of a

project, which means we have to mobilize equipment when a situation changes. You pretty well have to cover a whole lot of risk, which is already difficult dealing with at home, let alone internationally.

What I'm saying is, in a country like Nigeria, which represents a very difficult situation, a normal construction company attitude in Canada would say: "Don't talk to me. I don't want to hear about it. We will never go." Yet opportunity usually comes about where the environment is difficult, where nobody really wants to go. How do you pull it together for a Canadian company which obviously has the expertise to go into those situations and capitalize on the opportunity? This is where I think the right type of government support and input will make the difference.

1410

Ms Carter: Welcome to the committee. You certainly seem to have a pretty solid background in international business. I guess the bottom line as far as we're concerned is to give Ontario a bigger place in business, especially in Asia. What are some of your ideas about how we could increase Ontario's presence in the capital projects field of the international marketplace?

Mr Chan: The fortunate part of our Ontario is that we are indeed the most industrially developed province in Canada. As far as Canada goes, we couldn't find a better province to assemble a total package or, let's say, something a little bit less than a total package relative to other provinces. Having said that, we are dealing with international markets and international competition. People we are up against are not other provinces in Canada but major industrial forces like France, Germany, Italy. When you look at their industrial base versus ours, I must admit they are a lot better than we are.

For a company like us, usually taking the role of sponsoring the project, taking the lead, bringing together a group of companies and syndicating all the resources, competing with other groups that do the same, we must be able to tell ourselves, first and foremost, whether we have a chance to win or not. To do that, our mind has to be a little bit more liberal than where only Ontario or Canada goes, because if we don't win, it doesn't matter whom we work with, nobody would gain and it doesn't make sense.

While we as a company try to be Ontario oriented, we keep assessing whether the Ontario and Canadian sub-component would bring to the whole scheme of things the proper advantageous competitive edge or not. As I say, it's fortunate that we are in Ontario. Ontario is the best of Canada, so we have a better chance of doing that. I could not say the same thing if I were in, let's say, Manitoba.

Ms Carter: It's obvious from what you've said that companies need to get together and create consortia and maximize their competitive power.

Mr Chan: Exactly.

Ms Carter: What can Ontario companies do about this? Can you be a little bit more specific as to how they can bring this about?

Mr Chan: As a contractor, we usually go in there

with an offer of doing it plus an offer to syndicate the financing. Normally, if the financing comes from a bilateral source, meaning from Canada, there's a certain guideline we have to follow, the Canadian content guideline, and that is because we are receiving assistance or support from the government of Canada. By the same token, I think it's only fair for the Ontario government to put a certain guideline at the outset to say, "There's a certain Ontario content that you must try to achieve."

In this way it's fair game, because from a private sector objective, if we cannot meet that particular guideline, then we have the onus to say to the supporter, "Look, we cannot live with your interest and therefore we have to go someplace else," but if we do accept that support we know then, at that time, that one of the reasons the support is there is for Ontario expressed in a certain Ontario content as a yardstick. At that time we would have to then work with Ontario suppliers and manufacturers that have the most Ontario content.

Mr Waters: Thank you for coming in. You have a wonderful background, not only in marketing Canada to the world but also, I see as I go back, in engineering and that, so therefore you would have a very good understanding of whether it's a good product to market.

Mr Chan: I hope so; otherwise I may not be able to hold the job.

Mr Waters: Yes, and I think that's probably why you've been most successful.

I used to work for a company called Alcan, and I noticed when I worked there that we were definitely branching out into the Asian market, what is called the Pacific Rim. How big would you say that market is, and how much space is there, do you feel, for Ontario within that market?

Mr Chan: In a proper perspective, Ontario could spend 110% of its effort for that market and still not be able to service that. Of course, for that particular market, there are certain characteristics that one would have to have before one could be successful. Of course, there are a few items that are the same whether you are in the Pacific Rim or in Europe or in the States, such as that you have to be there. Especially for a construction company, your operating base cannot be outside of that domestic market. Even for manufacturing, nowadays you pretty well have to establish your manufacturing facility in that region before you could be competitive.

There are other factors that are unique in that market. I must say I'm fortunate in that way with the Pacific Rim, because being able to deal with the language, in a way the colonial background of some of the Asia-Pacific Rim market, puts me well at ease in dealing with the locals, and they understand me fairly well.

A case in point is that in China they look at me and they say, "Well, you are Canadian but you are not Canadian." It's a very useful bridge to be used, to be precise, by the other side to get what they want from Canada. Businesses meet this way. As long as there's mutual benefit and everybody can immediately establish that feeling of trust, things would happen. In a way, the choice of an employee representing the company is as

important as what the company represents.

1420

Mr Curling: Let me too welcome you for extending your service, in anticipation, of course, of being appointed to this board.

We know that we live in a very highly competitive world market and that everyone is trying to get their product out there, making sure that they can compete. I fully agree with you that Ontario and Canada have so much to offer, yet I'm not convinced we're offering all we could offer in those world markets.

Having said that, if you have done your stint in Nigeria, I would say you have gotten the best lessons in the world about business and dealing with people, because I was in Nigeria myself.

How do you feel, then, being that it's so highly competitive and that we have to be out there negotiating and being sensitive to the market, that the government chose to close down most of the international trade offices? Would this itself make the job more difficult for those who would like to compete outside? Tell me your feeling on that, and also, would it be one that you could recommend to the government, to take another look at a rather regressive and retarded move it made and maybe put those international offices back in place?

Mr Chan: My feeling actually, I must say, is a mixed feeling. Talking in a very private sector, businesslike way, I agree 100% with closing down some of the offices. The reason is that we cannot cover the world.

Let's talk about the federal government for a while. They closed, they pooled, all the Canadian-based commercial offices from "black Africa." I kind of agree with that, because they're looking at the statistics more than anything else. If, with all these resources, the result is only 1% or 2% of the total exports generated from Canada, then maybe that is not the right place to invest. However, once they apply this philosophy, or let's say the cost-cutting, across the board, then it contradicts the philosophy of we're going to invest in places where we will win.

That's why I said my feeling is mixed there. While I agree that a few places should be eliminated because it's a matter of putting the resources in places where we should be and not in places where we shouldn't be, that cost-cutting is too deep, to take away the support from other places.

On the provincial level, I fully agree that the provincial offices should be merged with the federal offices, not only for economic reasons but also for representation reasons. When I was in Hong Kong for business, I could see my counterpart in Hong Kong playing the Quebec office versus the Ontario office versus the BC office and of course the federal office. When they are all together, I think that type of situation would be a lot better.

Mr Curling: I can agree, and we could spend a day or two talking about the disadvantage when the federal government sort of winds down some of its operations in Africa and the West Indies and areas like that and goes for winners, as you would put it, but also the double hit when the province itself, which had to assert itself more

in that market, cut back also. I've experienced the fact in getting around trying to get people signing on for us even when we were making the bid for Expo that we had a difficult time even getting support because there was no representation there, and how important that would be.

Mr Chan: May I just put my thoughts straight here? What I'm suggesting is to economize the operation by putting everybody in one place, not to have separate offices.

Mr Curling: That's fine, but having Ontario present there, because I can't see Canada representing Ontario.

Mr Chan: Exactly. There should be an Ontario rep, let's say, in Hong Kong in the office right beside the two trade commissioners from Ottawa.

Mr Curling: I'm with you all the way on that.

Another sensitive matter which is very difficult to deal with, and I didn't find that the Premier had any difficulty dealing with before, is China itself and its human rights issues, and Mexico is another one. At one stage we did not mix trade with human rights, and at another time governments would say you cannot separate them, that human rights do play a role in to whom we trade and how people are exploited or not.

We have seen a change in that direction, and I'm not going to just isolate Bob Rae for changing his tune, but I've seen that other people too have changed their direction in that regard.

Mr Bradley: Name names.

Mr Curling: I could name names, but the fact is that it does not separate the issue itself, that human rights do play an important role in trade or trade plays an important role in human rights.

Mr Bradley: Especially if it's the Premier's brother.

Mr Curling: What are your feelings in that regard, on who we trade with and how far we should go if their human rights violations are such that it is completely immoral to do business with them? How do you feel about that?

Mr Chan: I must admit that is a very difficult issue to deal with. Again, we always get into this conflict of economic survival and following the high road. I experienced that on a personal scale in China. Everybody knows about Tiananmen Square during the fall, and at that time I was working with the SNC group, in the midst of negotiating a few contracts in China. I was all set to go on June 1, and of course it was kind of messy there so we held off a little bit, and June 4 came. The impact is big, so what do I want to do? Should I let myself go and continue talking, knowing very well that it's so upsetting? I'm 100% against what China has done at that time so I don't want to go. It took a bit of time to really soothe that feeling on a personal basis.

Mr Curling: I'm going ask you to comment about this aspect. I know many politicians may not raise that. As I travel around the world, I find the importance that politicians or parliamentarians play in advancing their country and their product. Canada is not one of those or Ontario is not one of those that have done that in a very aggressive way. Do you feel that parliamentarians should be out more? I find that a reception outside gives credi-

bility to the product itself and an acceptance that legislation is behind the action that is done. Do you have any comment about that?

Mr Chan: Yes, but what I'm eventually going to say is that being upset and not going there doesn't solve the issue at all, because what do they care and what do they know? Then after a while, when my sense comes back, I say, heck, I should go back and see the situation, see what I can help out. Then, once I take a little more active and aggressive frame of mind, then I find out all the friends that I'm talking to are actually dead against that too. However, what can they do? If we cut off the talk, it's no good to my counterpart who was talking to me all along, right off the bat, so it's probably better to keep on talking and hopefully things would turn around.

I would feel that the human rights issue is something you have to deal with from within, not cutting it off.

Mr Curling: So you're saying—

The Chair: I'm sorry. We're out of time.

Mr Chan: We should talk about this further.

The Chair: I realize these are very important questions.

Mr McLean: Welcome to the committee, sir. I wanted to follow up on the questions with regard to the closing of the trade offices. Was there one in China, a trade office?

Mr Chan: For Ontario? I don't believe so.

1430

Mr McLean: There wasn't.

Mr Chan: With the exception of the one in Nanjing for the Ontario Guangzhou centre there.

Mr McLean: Right. The energy facilities that are being established overseas: Has there been a thrust with regard to involvement, the 550-megawatt projects that have been put in place? Can you give us a little background on the energy aspects of the corporations that are building there?

Mr Chan: Let me understand. Is that a specific project you are talking about?

Mr McLean: I believe it was. I did see it here in my briefing notes with regard to energy. While I'm finding that, there has also been a thrust with regard to the health industry strategy.

Mr Chan: Right.

Mr McLean: Are you familiar with that?

Mr Chan: No, I'm personally not familiar with the health industry thrust, with the exception of the fact that there is an entity formed for export enhancement purposes.

Mr McLean: In the committee's report entitled *Outward Bound: Strategies for Maximizing Export Opportunities in the Ontario Health Industry*, "It's generally agreed that companies will be more successful internationally if they form consortia to combine their skills in packages that no...firm could provide on its own." Are you familiar with that?

Mr Chan: I'm not familiar with the health industry. However, I'm very familiar with the real importance of

forming consortia to go to the international market and offer a total approach.

Mr McLean: "One of the most lucrative international contracts won by a consortium of firms with OIC backing was signed in January 1992 in Iran." Are you familiar with that one? That's to build two of the 550-megawatt.

Mr Chan: Right, yes. That is the one with OIC headed by Babcock and Wilcox.

Mr McLean: The \$50,000 that is available for companies that want to do some research, is the \$50,000, in your opinion, enough? That's the maximum that you can get.

Mr Chan: Right. In a normal capital project, the front-end costs in the pursuing of the project, development of the proposal and then the subsequent negotiation could be very expensive. The bigger the project, obviously the more expensive it is. For example, our company has been following the hydro power project in India. The capital cost is \$1.4 billion. The civil contract alone is around \$1 billion and will take us seven years to do that. All through the seven years, I would speculate that several million dollars have been spent. So this is a situation where you must have staying power. Relatively speaking, \$50,000 is really a drop in this effort.

So the straight answer is: not enough. But on the other hand, we are seeking not only the financial support but the image of government support and so-called influence. So I think I cannot put a dollar value to it. All I know is that it's absolutely necessary.

Mr McLean: In 1992 and 1993, \$630 million worth of total contracts were assisted. The projection for 1994-95 is \$200 million, down over some \$400 million. What would the reason for that be?

Mr Chan: I do not know the basis of these numbers. But the development of capital projects has a long lead time. As I just mentioned, seven years may be on the lengthy side, but three years for sure is commonplace. So depending on how these numbers come about, the estimate of when the contract would be consummated, the timing of it, has a lot to do with these numbers. So the fluctuation of the number does not represent, in my opinion, market conditions but rather the stage of the projects.

Mr McLean: Your qualifications are excellent and I wish you all the best.

Mr Chan: Thank you.

The Chair: There being no further questions, I would like to thank you, Mr Chan, for appearing before the committee this afternoon.

Mr McLean: Madam Chair, on a point of personal privilege, I would like to indicate to you how disappointed I was to hear the comments from Mr Malkowski to the last witness before lunch. I was watching it on television; I heard every word that the witness had given. I was disappointed that he would raise the issue that the Liberals and Conservatives were not here listening to what was taking place. I'm not surprised at him doing it but I feel bad that a member of this committee would single out the opposition parties for not being here.

Mr Curling: On the same point, Madam Chair, I too

was aware of the situation and I thought that it was so unparliamentary for a colleague to be identified as being absent and I regard this as a matter of disrespect. He knows that we are in full attendance and we try to participate as best as possible. I think their trying to highlight this is a matter of playing rather poor, cheap politics.

Mr Bradley: But the interesting thing, Madam Chair, if I may, is you always have to remember in this game that when you give, you've got to be able to take, and that makes the other people very vigilant when they see that a member is prepared to do that. It makes us very, very vigilant.

The Chair: Those are comments on a point of privilege.

Mr Malkowski: I appreciate hearing the comments from the opposition, and they are valid comments. If you are offended by the comments that I made, then I will withdraw them as unparliamentary. But the fact that you weren't in the room to hear them—I realize that you may have been watching it or listening to it and if you are offended by the comments I made, then I withdraw them.

The Chair: For the benefit of the opposition members, Mr Waters did make a comment also which you will either have heard or will read in Hansard.

THOMAS D. SMYTH

Review of intended appointment, selected by official opposition party: Thomas D. Smyth, intended appointee as vice-chair, Agricultural Research Institute of Ontario.

The Chair: Welcome to the committee, Mr Smyth. The format is that if you wish to address the committee briefly with an opening comment or two, you may. Otherwise we will just start in rotation with questions from the members.

Mr Thomas D. Smyth: Thank you, Madam Chair. A very brief opening comment would be that I have been involved in research and development with our company for a significant period of time and I do feel that R&D is an integral part of a progressive organization. It needs direction. It's not a panacea, but in balance should be considered along with all of the other important issues. We have sufficient bricks and mortar in Canada, in Ontario, I feel, as far as R&D is concerned, and our investment in R&D should be in projects.

The NRC, for example, is a world-class R&D facility. I think that researchers in Canada should be commended for the results that they have developed and also their inherent ability to stick to some rather mundane task until they do come up with something that is very significant.

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I think the other thing we must do is ferret out every bit of duplication that we possibly can in view of the cost restrictions that we all are finding ourselves in. Partnerships are important to be developed in research and development, as are they in many other aspects of government and business relationships.

I'd just like to say that I'm pleased to be here and appreciate the invitation. Thank you.

Mr Cleary: Welcome to the committee, Mr Smyth.

I'm also pleased to hear about your opening remarks. I see in the little note that we have from you that you live, I think, on a 500-acre purebred beef cattle farm. Do you still have those cattle?

Mr Smyth: Yes.

Mr Cleary: May I ask what kind they are?

Mr Smyth: Simmental and Charolais.

Mr Cleary: That's pretty good, yes.

Mr Curling: He approves.

Mr Cleary: I used to have—Charolais, but not Simmental.

Mr Smyth: I have some brochures on semen here, if you're interested.

The Chair: We can't have PR. No commercial messages.

Mr Cleary: Okay, Mr Smyth. What would your priorities be in research and development in agriculture in the province of Ontario at the moment?

Mr Smyth: One of the areas where there are significant projects under way—and I think they're all heading in the right direction, particularly in the area of replacing pesticides and herbicides with natural preventive measures by the plants themselves. As well, I do feel that we really should be looking at getting more consumer input into our research.

From the food-processing side, that has been one of the areas that we look at very carefully—"What does the consumer think of the product?"—before we spend a lot of money on research and developing it. I think that's one of the areas relating to agricultural produce that we must look at more carefully in the future: getting some consumer input into whether or not they'd be satisfied with the area of research that is being done.

Mr Cleary: In your opinion, is that not happening a bit now, though?

Mr Smyth: It's happening a bit; that's correct. It probably could be stepped up considerably.

Mr Cleary: What sort of research initiatives do you feel would be the most beneficial to the agrifood industry to be more competitive?

Mr Smyth: Again, I believe that the initiatives that are undertaken at the present time that come up through the Ontario Agricultural Services Co-ordinating Committee system, right directly from the grass roots, are the ones that are being targeted now, but there are other areas that we need to move into. I feel one of those areas has to do, again, with a bit more consumer input.

Irradiation can be applied in a much more significant way in many areas to cut back on pollution and perhaps even save a considerable amount of funding for pesticides and herbicides. So there is one specific area that I feel is a product of Canadian invention—irradiation—and it's one that has not been utilized because it has not been sold to the consumer.

Mr Cleary: In your opinion, what are the biggest threats to the producers and distributors at the moment?

Mr Smyth: Probably one of the largest threats is the low-cost economies in other countries and the imported

products that we have to compete with.

Mr Cleary: I'm sure that you feel that in the business you're in and many of the fruit and vegetables that are coming into Ontario right now.

Mr Smyth: That's correct.

Mr Cleary: I guess the environment's on everyone's mind. Do you feel that competitiveness might be compromised on environmental issues in their standards and regulations?

Mr Smyth: The environment is extremely important. Quite obvious to everyone, and we read about it regularly, is the fact that many of the pesticides, herbicides and other items that are used on produce that's imported are not usable here, even though we know they are not that harmful to the environment.

One of the statements made by one of the research houses is very significant in this regard, where one billionth of a milligram of a pesticide or herbicide is equivalent to one second in 32 years. This is what we get concerned about. Unfortunately, there are special-interest groups and so on that prevent us from being competitive even though we would be environmentally okay in using many of them.

Mr Cleary: I know that when we meet from time to time with different commodity groups, that's one of the main things on their minds, competing with other countries, the pesticides that might be used and what they're allowed to use in Ontario.

Mr Smyth: That's correct.

Mr Cleary: Would you care to make any comments on your views on the research priorities to do with animal care?

Mr Smyth: Yes. There has been significant funding to ensure that the animals are well looked after and maintained on the farms. When you compare animal care today to even 20 years ago, there is a significant improvement through all the research on what makes an animal more comfortable. They actually take into consideration as much as possible the animal's feelings about it and their reactions rather than what we as humans think about what that animal wants. That has made a significant difference in the health and the facilities that are available for animals today in comparison to what they were several years ago.

Mr Cleary: Another thing we should talk a little bit about is rural communities and the sustainability of rural communities in Ontario. Any views on that?

Mr Smyth: Having been raised on a farm myself in Alberta, on a homestead, I'm quite familiar with rural communities and certainly have a very strong feeling that they should not be neglected. I believe that the recent involvement of the department of agriculture and food, in being involved in rural affairs now is a very important step. Although we have not any funds available at the present time, I do feel it is an area where we can again go back to the grass roots and get the ideas and do some research into what would be viable businesses or activities that rural people could be employed in to make them more compatible with urban people.

Just along those lines, recently the province of

Saskatchewan developed a program whereby the rural communities are being contacted by the urban people, and this is through the school system. It has expanded tremendously and is being worked out with the wheat pool. I believe there are industries here in Ontario that probably could work with government, the communities themselves and industry in looking very carefully at some programs that would do a lot to revive rural communities.

1450

Mr Cleary: I know that just in my lifetime, when I grew up on the farm, every 100 acres, possibly 150, they were all milk and cattle, cows, in mixed farming, in the dairy industry especially. Now you can go the whole concession and you might only have the one farmer and the other city folk have moved in around them and it's really changed a lot. If it changes much more, our rural areas will be gone.

Mrs Witmer: Welcome, Mr Smyth. How long have you served on the institute?

Mr Smyth: Just about six years.

Mrs Witmer: What originally prompted your interest in becoming a member of the research institute?

Mr Smyth: I was asked by Clare Rennie, whom I had worked with over the years.

Mrs Witmer: What do you believe has been the most important area of involvement for the institute over the past six years, or are there several areas where you feel it's been an exciting time to be involved and real progress has been made?

Mr Smyth: Some of the very significant areas have been in the breeding of new seeds for grasses and grains, and the development of artificial insemination for cattle. There are a lot of areas that were under way. I suppose one of the most significant is the development of a vaccine for shipping fever, which was done through the funding of ARIO to the University of Guelph, and that has made a significant impact on the health of animals being shipped around the country.

Mrs Witmer: What are some of the new initiatives going to be then that the institute will continue to be involved in? You mentioned the one.

Mr Smyth: Some of the major ones include the replacement of pesticides and herbicides. You perhaps have read recently about the weevils being imported to get rid of the loosestrife. Those are areas that show the greatest promise to help the environmental situation and put us on a very competitive basis, because the costs of herbicides and pesticides and so on are very expensive, as well as very concerning to consumers. I feel that if we continue to press efforts in that area, we will be putting money to good use.

Mrs Witmer: I wish you well in your endeavours. It sounds like a challenging position.

Mr McLean: How many years do you think it will be before we will have something to replace insecticides and pesticides?

Mr Smyth: Let's use loosestrife for an example. They claim it will not completely replace the need for insecticides or herbicides, but at least it will reduce the need of

it. The number of years I really can't say, but we had a visit with a professor in the US, who indicates that within 10 to 15 years, many of the products we produce we will do without any herbicides or pesticides.

Mr McLean: So we're probably going back where we were 30 years ago.

Mr Smyth: Could be.

Mr McLean: The other question I have is with regard to ethanol. You'll be familiar with that. I'm wondering if we're putting enough emphasis on promoting that product, whereby the farmers would benefit greatly. What is your opinion with regard to ethanol?

Mr Smyth: Certainly, ethanol is a very interesting project. ARIO itself has not spent a lot of money. We keep up to date on what is going on. But really there's still a lot of corn imported into Ontario and so there's quite an area for volumes of corn to be produced locally without getting into ethanol. I think one of the main problems with ethanol is the up-and-down price structure. It's a very fluctuating cycle.

Mr McLean: There's a new facility being built in Guelph. Is there going to be more resource development and technology there that will help the scientists to promote more vigorously the problems that we have?

Mr Smyth: The major processors, such as ourselves, Nestlé and many others, were involved in supporting that development. The interesting part of it is that we will likely—"we" referring to the major processors—get less use of it than the smaller and medium-sized companies. That is where the research information will be most valuable, although there will still be opportunities for any of us to work with them on a confidential basis.

Mr McLean: You're aware, as Mr Cleary has mentioned with regard to the rural population, that you can drive down a whole concession road and nobody will be farming. What in your view is going to happen in another 20 years with all that land sitting there? What's it going to be used for? What are we going to be producing on that land?

Mr Smyth: In another 20 years—I guess it's 40; whether it's 20 years or not, the population is doubling. There will be a requirement to bring some of that land back. I feel quite sure about that. I know that in our area there is some of that land around and we are utilizing that for growing hay. It's distressing to see the old family farms that have been purchased in the country and the houses go to rack and ruin. Some of that will likely have to be checked out with the actual municipalities themselves. I don't think many of them have handled the land sale situation as well as they might have to gain the best out of it.

Mr McLean: Do you feel the population of Ontario is getting cheap food?

Mr Smyth: Yes, I do.

Mr McLean: Do you feel the farmers are getting a fair price for their product?

Mr Smyth: Yes, I do.

Mr McLean: Where is the sawoff then for the farmers who are no longer staying in business, are losing

their farms? If you had a feedlot operation, I dare say, unless your spouse or something was working off the farm, you would hardly make ends meet. I have a dairy farm. My son and his wife run it. They have no help any more. They do it themselves because they can't afford help. What's going to happen with these farms that the people can't continue to operate?

Mr Smyth: That's a lifestyle situation, isn't it? It certainly is in our case. I guess I'm in it for my health; I'm sure as heck not in it for the money.

Mr McLean: Some of them are.

Mr Smyth: Yes, that's right, and there is no question that many of the farms today are very efficient and producing extremely well. A lot of it has to do with the land base you have and the number of heat units you have. In Grey county, in our area, it's pasture land and grasses. Some of that depends on the area that you're in.

Mr McLean: Thank you very much. I wish you well.
1500

Ms Carter: Welcome, Mr Smith. I want to talk about strawberries, barley and eggs. I'm a devotee of our local farmers' market and I like the fresh produce that we get straight from local farms or, farthest away, Niagara. Somebody at the market was talking about how somebody had come from California to visit Peterborough and tasted our local strawberries and said they didn't know that strawberries were supposed to be like that. Going by the ones we buy in the supermarket in the winter, which look like strawberries but really aren't, makes me feel that research into agricultural products can be one of two kinds: It can be to actually make them better in what I would call a real sense, or to make them better in a commercial sense so that they travel better and don't spoil and just sit there on the supermarket shelves. To me, that seems the wrong way to go. If competition means getting more efficient in that kind of way, I'd have problems with it.

I notice that one of the things the agricultural research institute has done or is doing is looking at eggs and seeing if they can be made more nutritious for human consumption. I find that a bit of a puzzle because I thought they were pretty well a perfect food. Certainly when you buy fresh brown eggs, they're pretty good. Again somebody at the market was saying that somebody tasted some real eggs and found they were too strong, because they weren't used to eggs like that. Again the commercial product is not really what you would think an enlightened consumer would want.

The same with the barley: I see there's been research into increasing the yield, and I've heard of the yield of cereal crops being increased at the expense of the protein content so that you're getting more bulk but you're getting less of what I'd call real value.

What I'm looking at in all these things is the sort of tradeoff, and I just wondered what you had to say about that.

Mr Smyth: I think you have a very good point. There is no question about it, taste is important. Price is also very important. As far as the strawberries are concerned, there probably are well over 100 different varieties of

strawberries. Some are developed to grow in a colder climate than others, some are quite soft, some are for processing and so on. And it's the same with the tomato. For example, with the tomato we would not be in Canada today if we had not done research on developing a heartier tomato, one that would withstand the climates of Canada. In California, for example, it's all watered and there's no problem. Here we have to develop a product that will withstand the heavy rainstorms and will also withstand the cold, and we have been successful in doing that.

There are products that are developed for certain areas. I guess that's the best way to put it. One of the most significant recent developments is the gene in the corn to retain the sugar in the corn so that corn can be shipped and be on the shelf in the stores for three days rather than rushing it out of the garden and putting it in your refrigerator. These are the kinds of things where there will be tradeoffs one with the other.

But certainly if it had not been for the research that has taken place since I was born—and I guess that's probably longer ago than any of the rest of you in the room—30% of today's workforce in Ontario wouldn't be employed on farms today, if we had not had the developments in research that have taken place.

Ms Carter: I certainly believe in doing everything we can to keep our farms and have as much locally produced stuff as we can rather than developing stuff that is available just because it travels well and keeps well. I guess what I'm saying is that there are different kinds of research and different objectives.

Mr Smyth: Absolutely.

Ms Carter: As long as we're getting something that's better for the consumer, and hopefully grown nearer rather than farther away, we're getting the best of it.

I do have a concern about irradiation, which was raised, because I believe there are studies that show that although obviously it doesn't make food radioactive, it does change the chemical composition, and rats fed on this kind of food died because they weren't getting the nutrition they needed. Of course, as a consumer you can't always tell. I understand that a lot of food from the tropics, mangoes and so on, may have been irradiated. I just wonder how you would know.

Mr Smyth: It would have to be identified. That's the regulation in Canada. The World Health Organization approved irradiation 20-some years ago and many countries are using it. They're using it in the US now. At least you have the opportunity to buy irradiated food or non-irradiated. The consumers are not really concerned because the irradiated product looks far superior after a few days than the non-irradiated. As for any health concerns, there may have been something else that the rats were deprived of other than just that product, to die from it.

I'm certainly not concerned. I'm all for it, because one of the things we really need to look to, as far as irradiation is concerned, is the health of the elderly, particularly in homes where you hear of so many of them dying from contamination of food, particularly chicken. That

could be eliminated completely and we could save ourselves a pile of money and save a lot of lives. It's the tradeoffs.

Ms Harrington: Thank you, Mr Smyth, for continuing with this organization. I think your vast experience is going to be very helpful. We do have to ensure the quality of our agricultural products here in Ontario, and I see that as the mandate of your organization.

I think you have mentioned in the last half-hour the need for innovation and value added products in our economy as the way of the future. We cannot just stay with our historical strengths but we have to look towards innovation. In that light, about a week ago we had the Minister of Agriculture, Food and Rural Affairs down in my area, which is the Niagara Peninsula—I represent the city of Niagara Falls—and he was talking about Niagara products and trying to develop a Niagara cuisine to go with the Niagara vintages, some new types of investing in our agricultural industry in Niagara.

What I want to ask you is if you personally and the ARIO would over the next little while pay some special attention to the unique needs of Niagara.

Mr Smyth: One thing we make sure we do is look after all areas on ARIO, and there are representatives in the OASCC committees. There are over 800 representatives, and each area does have representation. I'm sure that through those representatives is really the way to make sure that your wishes and desires and the opportunities are presented to us to take a look at.

Ms Harrington: I'm just emphasizing to you that we do have a unique area and we haven't taken advantage as much as we could of our products and the value added nature we could add to, say, our tender fruit and other things from the area. I wish your organization will be involved with us on that.

Mr Smyth: I'm sure we will be.

Mr Waters: I guess Mr McLean, Mr Cleary and I all grew up on mixed farming in rural Ontario, which I think has been hit a bit differently than southwestern Ontario. I hear about, and I see it in my own riding, that the farmers aren't farming, that there's nobody farming the land. Are we producing more or are we buying more out of province?

Mr Smyth: The production on the very fertile land and so on has gone up significantly. For example, we don't require nearly as much land to produce the same amount of tomatoes as we did 10 years ago. The yield on tomatoes has gone from 17 to 20 tonnes to more than 30 tonnes per acre, and that pretty well applies to a lot of Guelph. It applies to cattle; it applies to everything.

The Chair: Thank you, Mr Waters. It's a very interesting subject and I know it's hard to close out. We appreciate your appearance before the committee this afternoon, Mr Smyth.

1510

SAHODRA DOOBAY-DIAL

Review of intended appointment, selected by government party: Sahodra Doobay-Dial, intended appointee as member, Council of Registered Insurance Brokers of Ontario.

The Chair: Welcome, Ms Doobay-Dial. We will start with the government party; it's their selection.

Mr Waters: As a lay member of the complaints and discipline board of the RIBO, your role will require that you evaluate complaints concerning the conduct of brokers and assign disciplinary action as appropriate. Could you describe briefly how your background and experience would assist you in this role?

Ms Sahodra Doobay-Dial: I've been a lawyer for over 24 years. I sat on the bench for a great period of time in Guyana. I practised in Guyana and in the United Kingdom. In Canada, in this country, I went through the LLB, I went through the bar admission. I've been practising before the courts here. I have considerable experience in adjudicating matters, writing decisions, reasons for decisions. The point is that I don't know the substantive insurance law but I know where to find the law and I can listen to both sides and give a very fair decision. I think everybody who works with me knows that I am very fair and I listen, and I think I am bright enough to follow the law.

Mr Waters: And quite obviously, from your CV, you definitely have a long history with dealing with adjudication and law, so therefore I agree that you probably would do quite well in this.

There are at times very serious breaches and then there's a lot of, shall we say, every so often, small technical breaches. Which do you think should be focused on: the nitpicky little things, or indeed should we solely or primarily look at just the major breaches?

Ms Doobay-Dial: If you don't look at the little ones, they become very big ones. If you let small breaches just pass, if you overlook small things, they let it go bigger and bigger because they say, "I can do this and nobody will take any action against me." I find that in a lot of cases in corporations, that if they find that nobody will find this out, they overlook it and then they go to something bigger, so when you go to look into it, it's a big thing. I think you have to look into both, the little ones and the big ones. You spend more time on the big things, but I don't think the little breaches should be overlooked.

Mr Waters: I know virtually nothing other than what I have received. What type of time commitment is involved in this?

Ms Doobay-Dial: I practise with my husband. My husband was ill for some time—he had bypasses—so we work at home. We're not doing too much work right now. He is well and he can handle most of the matters we're doing now, mostly legal aid and referral matters.

Mr Waters: I really don't have a lot more questions. As I looked through your CV—and unfortunately, when we ask people to come forward, we get a paragraph. That's the system and it works, but sometimes we are more than pleasantly surprised when we finally get a whole dossier on a person and see that indeed there was great rationale for that appointment. I know I'll be supporting your appointment, and I wish you well.

Mrs Witmer: Welcome, and I concur with Mr Waters. You're certainly well qualified to assume the position to which you've been appointed. Do you see any

ongoing problems at the present time in the entire insurance industry that you feel you can help resolve?

Ms Doobay-Dial: Actually, I didn't go into it. I was informed about this appearance here a few days ago, and I didn't read the Insurance Act or I haven't followed up on any of the insurance complaints. I have worked for insurance companies and against insurance companies. Actually, I have one matter now in England against an insurance company, but I will have to study the Insurance Act and read up about insurance before I could really answer that.

Mrs Witmer: At the present time, you're not really aware of what's gone on within the province of Ontario?

Ms Doobay-Dial: I know what I've read in the newspapers and what I've heard on the news, but I haven't done any cases in insurance or I haven't represented anybody against any insurance company in this country yet.

Mrs Witmer: So it'll all be new.

Ms Doobay-Dial: Yes, but it's the contract, you know? It's nothing more.

Mrs Witmer: Yes. Do you support mandatory continuing education for brokers? Do you believe they should be updating and receiving education on an ongoing basis?

Ms Doobay-Dial: I think it depends on the background. I've met lawyers who were saying that some of the brokers don't have too much of a background, education, that they do this just to make money and they're not too ethical. That's just a few complaints I've heard about.

Mrs Witmer: Certainly recently there has been some movement to improve the standards within the industry

and to improve the image, so there's been an increasing emphasis placed on the need for some sort of continuing education, even though there are those within the industry who do oppose it. Obviously, that's one of the issues you will need to deal with.

I don't have any other questions.

The Chair: Thank you, Ms Witmer. Are there any other questions from the committee? All right. Thank you for your appearance before the committee this afternoon, Ms Doobay-Dial.

Ms Doobay-Dial: Thank you.

The Chair: What we now need is a motion, which Mr Waters has indicated he would like to make: the approval of all the people who have been on the agenda today. I will just read those names into the record: Gerald MacDonald, as a member of the Council of the College of Nurses of Ontario; Sari Stitt, as a member of the Council of the College of Opticians of Ontario; Gillian Sandeman, as a member of the Ontario Board of Parole; Paul Urbanowicz, as a member of the Council of the Royal College of Dental Surgeons of Ontario; Harry Chan, as a member of the Ontario International Corp; Thomas D. Smyth, as vice-chair of the Agricultural Research Institute of Ontario; and Sahodra Doobay-Dial, as a member of the Council of Registered Insurance Brokers of Ontario.

All in favour of the motion to approve those appointments? Opposed, if any? One opposed. The motion is carried.

Thank you for your attendance at the committee today. The committee will stand adjourned and we will meet again for two days, on September 7 and 8.

The committee adjourned at 1522.



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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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- ***Acting Chair / Présidente suppléante:** Witmer, Elizabeth (Waterloo North/-Nord PC)
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- *Cleary, John C. (Cornwall L)
- *Curling, Alvin (Scarborough North/-Nord L)
- Ferguson, Will, (Kitchener NDP)
- *Frankford, Robert (Scarborough East/-Est ND)
- *Harrington, Margaret H. (Niagara Falls ND)
- *Malkowski, Gary (York East/-Est ND)
- *Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)

**In attendance / présents*

Substitutions present/ Membres remplaçants présents:

Duignan, Noel (Halton North/-Nord ND) for Mr Ferguson

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: McNaught, Andrew, research officer, Legislative Research Service



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Assemblée législative de l'Ontario

Troisième session, 35^e législature

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Wednesday 7 September 1994

Journal des débats (Hansard)

Mercredi 7 septembre 1994

Standing committee on
government agencies

Comité permanent des
organismes gouvernementaux

Intended appointments

Nominations prévues

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Wednesday 7 September 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mercredi 7 septembre 1994

The committee met at 1008 in committee room 2.

INTENDED APPOINTMENTS

The Chair (Mrs Margaret Marland): Good morning. Our responsibility as a committee today is to review some intended appointments.

SUSAN FISH

Review of intended appointment, selected by government party: Susan Fish, intended appointee as full-time member, Ontario Municipal Board.

The Chair: We welcome you to the committee, Ms Fish. Have a seat; make yourself comfortable. If you wish to make a brief opening comment or two, you may, or we can just start with rotation of questions by the committee members. I know that you're very at home with the process of this committee room, these hallowed halls.

Ms Susan Fish: Thank you very much for that. I think I will just go straight to questions, if that's suitable to the committee.

The Chair: That's excellent.

Mr Robert Frankford (Scarborough East): We usually leave it to the opposition to ask people whether they belong to political parties here, so I'll pass on that one.

The OMB is an agency that's always of interest in my riding of Scarborough East in relation to the development of the urban form. Could you share some general thoughts about the role of the OMB, the influence of zoning and the sorts of things that you will be doing in a broader sense? I know you've spent a lot of time in rather specific cases, but can you share a broader vision of what you think the OMB can do?

Ms Fish: I think it's fair to say that the Ontario Municipal Board is really one of the government's premier agencies to deal with land use planning and development, certain environmental issues, and of course property taxation, among others, assessment. It is, as many of us who have been in the field for a long time always said, the kind of court of last appeal—not formally a court, of course—for either applicants who have come before municipalities concerned about the decision, wanting to carry it forward, or residents and ratepayers or other interest groups.

As a body that's a bit removed from the immediate day-to-day issues that would be faced by the local councillors as they are dealing with the shape of their municipality, it becomes, I think, a very important instrument to take a bit of a second look at those decisions that are appealed and to help guide and shape the development of the province.

Mr Frankford: Can you share any more direct experiences you've had?

Ms Fish: That I've had? Happily so. One gets to an age where when you look back on your CV, you suddenly realize that it's been rather a number of years that you've been involved with issues. In my case, it's nearly 26 years that I have been involved in housing, urban development, and land use and taxation matters, from my earliest days at the Bureau of Municipal Research, a non-profit research organization here in Toronto, in those days directing research and examining a number of problems for municipalities, not just urban municipalities but municipalities right across the province, both urban and rural, and appearing before the municipal board in a professional capacity, preparing briefs and presentations and submissions to the board.

So from the very earliest days of my career that has taken me through municipal planning and development issues, I've been very aware of the board and have had occasion to appear before it. I have not been before the board in the last several years, although my work has taken me in a variety of areas that would be issues that might have been before the board, and land use and development and transportation and environment.

Ms Jenny Carter (Peterborough): You mentioned land use. I am just wondering what your thinking is about the present initiatives in the area of land use planning, including Bill 163.

Ms Fish: Well, I think you'll understand if I suggest that I will leave to the Legislature legislative matters like legislation, and not comment specifically on them.

Let me just say, though, that I think there is general agreement that there's a balance to be struck in the planning process in the province, and that balance is not only between the interests that come forward on particular issues, but it's a balance between what area municipalities see as their futures and what the province sees in its overall directions and, of course, a balance as well, finally, in having decisions made in a timely way and a reasonably predictable way for everyone concerned, whether they are residents and ratepayers or whether they're investors. I don't think I'd want to comment any more specifically than that on particular legislation.

Ms Carter: It does seem that what we're ending up with is a clearer framework so that the municipalities and so on have more freedom because they know what that framework is and they're allowed to get on within it. I'm wondering whether that will ease the job of the OMB, because maybe there won't be as many problems arising.

Ms Fish: I guess I'd say allow me to come back and talk to you after a year's experience or so when legislation is in place and we'll make the assessment then.

Ms Carter: Okay. Is our time up?

The Chair: There is five minutes left. Any other members? Or do you wish to continue?

Ms Carter: Yes, I could ask another question. We all know that the OMB is chronically overloaded, shall we say, that they have case management problems, and this is something that is perpetually being dealt with. What do you think about the OMB's efforts recently to tackle those case management problems?

Ms Fish: Remembering that obviously I haven't been sitting there directly, from what I've been able to observe I think there has been a major effort under way by everyone involved at the board, the members as well as the staff, to try to be sensitive in scheduling, in hearing cases, in moving to a decision and dealing with what has obviously in years past been a real problem.

Clearly, as I said before, having decisions reached in a timely way is the next best thing to having your own way when you're making an application. At least if you get an answer in a timely period, that helps you plan and go ahead. In any organization I suspect that every little bit probably isn't ironed out, but I look forward to being part of the process of ensuring that the board continues to be the kind of responsive agency I think it has been to date.

Mr Gary Malkowski (York East): Thank you for coming to speak to us. Congratulations on this potential appointment. Can you talk specifically in terms of your qualifications and how you see a vision of the OMB, especially in terms of the Sewell report and how you can see some of those recommendations coming into play?

Ms Fish: Hmm. I would not want to comment specifically on the Sewell report, principally because I think that was a report to government that, as I understood it, formed part of the government's basis in bringing forward its legislation, Bill 163, which of course I gather is in front of the House. But allow me to take a few minutes to speak a bit about my qualifications and what I think I would bring to the job.

I said earlier that I have nearly 26 years in the field. That is a career that spans research and analysis, preparation of formal briefs to the municipal board as well as to other agencies, elected experience that has enabled me to deal on the front lines at the municipal level with planning and development matters, that being one of the key responsibilities of municipalities, and as a member of council and chair of a variety of task forces, conducting hearings and dealing with the matters in substance; through my experience at Queen's Park, similarly, taking a broader provincial view of many of the same issues but understanding and appreciating the complexities that the province of Ontario is really made up of and the real differences in her communities as you go across this very large area; as well, spending specific time doing research and acting as a royal commissioner on the Royal Commission on Transportation, dealing extensively with transportation matters as well as conducting formal

hearings and doing research; and acting as I have in the last seven years now in the private sector as a policy consultant to government and as a public affairs consultant to corporate interests.

I think that balance that has taken me from the staff side to an elected side, from the private sector to the public sector, provides a breadth of experience and perspective that would complement the board and its members and the work that it does now.

Mr Malkowski: If I can add one other comment in relation to your experience both in private and public sector, can you talk a little bit more about community activism? Have you been involved as a community activist in terms of working in the community and balancing the interests not only of public and private sector needs, but also taking into consideration the community needs?

Ms Fish: Yes, I have worked in the community, but I have predominantly worked with the community. For example, I was the executive director of the Bureau of Municipal Research for four years, from 1968 to 1972. It was a period of real transition for that organization. For the first time in its history, I opened the library to residents and ratepayers and provided assistance and advice to various citizen groups across the province, although predominantly in southern Ontario, who were wanting to raise issues in front of their councils and then later in front of the municipal board or in other areas, and provided a resource to assist what were then emerging community groups without their own independent resources to be able to present their cases and be clear on the issues.

That need to balance, of course, is one that was carried through my elective career, where I dealt extensively with communities and community interests as well as issues of public policy.

1020

In the seven years that I have been in private practice, my involvement in the community has been through extensive volunteer service. It has not generally touched on the kinds of issues that would come before the board, but you will see from my résumé that I have served on the board of the AIDS Committee of Toronto, Casey House, the Metro Action Committee on Violence Against Women and Children and on various arts boards and heritage groups as well. In each of these cases I have tried to make a contribution of a dual role: on the one hand to assist in fund-raising, which is always problematic for non-profit and community groups, and on the other hand to provide advice and assistance in having those groups present issues of concern in front of governments: provincial, municipal, and occasionally federal.

Again, I think the breadth of involvement that I have and have shown through my volunteer work as well as my career provides a balance and a blend that would be helpful to the board. At least I'd like to think it would be.

The Chair: Thank you for that answer. Mr Conway.

Mr Sean G. Conway (Renfrew North): I'd be quite happy to defer in the order to my friend from Carleton, who is almost drooling here. Would you like to go first, Norman?

Mr Norman W. Sterling (Carleton): No, no.

Mr Cameron Jackson (Burlington South): By all means, Sean.

Mr Conway: You should just try to contain yourself, Normie.

Well, listen, I'm just a fill-in to this committee, but I'm pleased to be here today to say, "Hello, Minister," or ex-Minister. Susan, good to see you. Good appointment.

The Chair: You're allowed to say the same thing.

Ms Fish: Thank you.

Mr Conway: I think this is a good appointment and I just want to say that. I've certainly been watching with some interest some of the recent appointments, I guess the last three that I've noticed, to the OMB, and there are probably more: Helen Cooper, Nancy Smith and now Susan Fish. So we've got three very capable people who bring a strong understanding of municipal government to the board. Certainly I have no doubt at all, in terms of your background and related experience, that you will do this job well. In fact, I can't think of anyone who's brought the mix of experience that you do so ably to this. So I want to just be up front and say that it's not only good to see you again, Susan, but I think this is a good appointment and I congratulate you for it.

Interjection.

Mr Conway: Having said that—no, we get to Jack Pickersgill-Reville tomorrow—there are a couple of things I would just like to talk about and get some ideas from you on. Some kind soul, I guess David, prepared a nice paper here that I read about issues at the OMB, and I see the issue of case management backlog. I have yet in 20 years to meet any administrative panel that didn't have those problems, and some have them more chronically than others. One of the impressions I have had watching this process, including the judicial process, is that some people, however able, just do not, as judges or as board members, have the capacity to move these matters along. Can you tell us something about the kind of managerial style you might bring to the board so that with a good background and good intentions you're going to be able to move the agenda along?

Ms Fish: I'll tell you first of all that my background and my formal training is actually in public administration. I maintain professional memberships in, among other things, the Institute of Public Administration of Canada.

The role of the individual member in helping, being part of an agency or a board such as the municipal board and managing case load, really works maybe in two ways, if I could describe it that way. There's the one obvious way when you're sitting and hearing cases. The best I think that a member can do is to act as a good listener and in a fashion that might best be parallel, say, to a good chair, to try and ensure that the people who are coming forward are clear and understand what they are saying and able to make their points.

But the fact of the matter is that the process is a quasi-judicial one, and to a certain extent the period of time that a hearing might take really isn't in the hands of the board member who might be hearing it. It's as much in

the hands of the people who are coming forward, the municipalities or ratepayers or other interests, as they may want to examine witnesses or refer things back. That's very much the case I think when you look at a couple of examples that have been chatted about in the paper here and there of hearings that seem to have a terribly long life or go over a very long time. It's often not a function of the board that's had those hearings go for so long but of the people who are arguing and appearing before the board.

But doing everything possible to try and run a fair and sensitive and efficient hearing I think is obviously one role of a board member, and I think that is the kind of thing I would want to learn more about in my early time at the board, sitting with more seasoned members, but would bring I think a good experience of having conducted extensive hearings, particularly as a royal commissioner, which would be perhaps one of the closest parallels.

The other way a board member assists is by working collegially, and that is very much my management style, to work collegially and supportively, to complement the efforts of other members and to try and ensure that to the greatest possible extent my contributions are helpful.

Mr Conway: Should the general public be concerned that in fact we may be loading up the board with very good people but all of whom, or many of whom, seem to be ex-municipal-provincial politicians who, with all that I've said about that experience, might just unavoidably bring that kind of municipal government perspective that in some of these matters may not be what's required?

Ms Fish: Well, I don't think you should be at all concerned if you feel confident that the appointments are capable and qualified and experienced people who are bringing the kind of balance that you want to see at the board. That I would think is the important component, and having had some experience municipally and provincially, in the non-profit sector and in the private sector, would seem to me the kind of mix that you'd like to see on something like the municipal board.

Mr Conway: You said earlier, I think in response to one of the government questioners, that it was your view that you would be quite prepared to leave to the legislators their responsibility and you of course would be happy to just play the more limited adjudicative role. I've never yet seen a former politician who is elevated to an adjudicative role who could in fact meet that expectation. My experience is, once a politician, always a politician. So why should we believe you that in fact you're going to leave unto Caesar that which is Caesar's?

Ms Fish: I guess I would suggest to you that having been an elected politician isn't some kind of disease. It's good public service, after all, and there is more than one kind of public service. Serving on an administrative tribunal like the municipal board is another kind of public service. It demands some of the similar skills, but it also demands a different way of operating and working, and perhaps that involves a little bit of a different discipline, but it may simply also mean it's directing energies to a different end. But you will understand, I'm sure, that for all board members, our chair speaks for the board.

Mr Conway: Oh, I know. I make these observations on the basis of 20 years' experience of dealing with members of the Ontario Municipal Board. I don't want to be any more direct than that, but at least one who was a former colleague of mine comes to mind rather quickly.

Just a final question: The issue of Bill 163 is certainly before the Legislature. Like the member for Carleton, I was spending a very pleasant and restful summer hundreds of kilometres east of here, paying not much attention to the great issues here at the Legislature, if there were any this summer. I don't know that there were. But one day I did awaken to hear John Sewell on the radio, going on at some length about how it is that Bill 163 in fact in key respects didn't reflect the thinking that he had invested in the so-called Sewell report. Do you have any views as to whether or not Bill 163, as you have read it, is in fact going to remove from the OMB many of those cases and issues that have tended to tie the board up in previous experience?

1030

Ms Fish: I believe that is most certainly the intention of the bill, certainly stated by the minister, but again, while I appreciate that you are inviting me to do exactly what you suggested you feared, former politicians engaging in policy or legislative debate, I really would leave that assessment and the government's own decision as to what it picked up or did not from a report and how it chose to implement it to matters of the Legislature.

Mr Conway: Thank you. Good luck.

The Chair: There's a minute left. No further questions from the Liberals?

Mr James J. Bradley (St Catharines): Just that I'm delighted to see the former member for St George here, the former Environment minister of Ontario. I presume that you'll be reflecting in your decisions your considerable concern about the environment, n'est-ce pas?

Ms Fish: I was very pleased and proud to have been one of your predecessors as Minister of the Environment and the environment is an issue that remains very close to my heart.

Mr Jackson: I guess I'm the only one on this side who isn't a former minister talking to a former minister.

First of all, Susan, welcome. I know you've been careful not to comment on Bill 163, but although I did vacation briefly in the same locale as Mr Conway, I did spend two weeks working on this bill, and it's very clear from the presentations that the feeling about this piece of legislation and its impact on the OMB is such that it vests more power which will be concentrated in provincial decision-making and provincial override and less authority per se with the OMB. That begs several questions as to whether or not your approach is that of a centralist or not of a centralist in terms of planning, but clearly the consensus which is coming forward, whether it's from naturalists or from the OMA and other groups, is that the province gets to direct provincial planning from a controlled position here at Queen's Park.

I guess my question to you builds from the opposite direction from where Mr Conway's coming, because I see less authority, less influence of an OMB decision coming

in the years to come after Bill 163 than, as Mr Conway would have us possibly consider, that it was going in the opposite direction. Would you like to comment on either your personal views in terms of centralist planning or if you have any concerns about the growing authority that would be vested in the provincial government that the current OMB now enjoys?

Ms Fish: The very existence of the municipal board for as long as it has been around, which is many years, has really meant that there has been a certain amount of centralization of planning and development decisions in this province, unlike, for instance, some of the other provinces out west that don't have an equivalent institution.

But in terms of the impact of the legislation, let me simply say that I think it's a function of working with any legislation that would affect the board and giving it time to settle in. I don't think there is any other way that I would be able to answer you, except to say that I would certainly look forward as a member of the board to doing everything possible to make whatever the legislative framework is for an administrative agency like that work in the best interests of all of the people of the province, and I'm sure that I echo the chair and my colleague board members' interest in that regard as well.

Mr Jackson: A very candid answer, for want of another word. I was looking for a more fulsome answer when I look at your experiences. I think you're ideally suited for this appointment, given your breadth of experience. You modestly didn't refer to days as a school trustee, which I recall. However, you did participate in a cabinet when some major land use decisions of public policy were carved out for this province, and certainly coming from that experience, whether it was the greenbelt or the Niagara Escarpment Commission or any number of those, without putting a value on them, they were major announcements that could be deemed by some people to be rather intrusive. I guess I was looking for a more fulsome response, given your breadth of experience on the issue, of your views on central planning. But I won't be treated to that this morning, I understand, so unless my colleague has any further questions?

Mr Sterling: I'd just like to congratulate you, Susan, on your pending appointment to the OMB. I think you're ideally suited. I think you have many, many parts of the equation which a lot of other people don't have the privilege or opportunity to be involved in—politics at the municipal level, politics at the federal level, a key part of David Crombie's commission on the waterfront—to hear points of view from decentralized and centralized planning. I think you're well suited for the position and I congratulate you on the appointment.

Ms Fish: Thank you very much.

Mr Sterling: Oh, one other question. Although you served as a Progressive Conservative member of the Legislature, what political party are you affiliated with?

Mr Conway: Well, that's a good question. She's what you'd describe now as a Bill Davis Tory, and there aren't any of those left.

The Chair: Thank you, Mr Conway.

Mr Jackson: That's like trying to find a David Peterson Liberal. They don't exist any more.

The Chair: You have an option of answering the question or not, Ms Fish, and I'll leave that decision up to you.

Ms Fish: I think I'll leave that, thank you.

The Chair: Thank you for your appearance before the committee this morning.

PAT CAPPONI

Review of intended appointment, selected by government party: Pat Capponi, intended appointee as member, Advocacy Commission.

The Chair: Our next intended appointment is as a member to the Advocacy Commission, and it's Ms Pat Capponi.

Interruption.

The Chair: Excuse me. I have to advise the people who are present in the room that the rules of the assembly apply to committee hearings and we cannot have any demonstrations or applause or similar activity, so I would appreciate you having regard to those rules of the assembly.

Ms Pat Capponi: If I may, I want to say something just very briefly. This is kind of a momentous day for crazies in this province, and I'd just like to thank people for coming out, crazies and wannabe crazies, for being here today. We as a group aren't the most—well, we don't live by the rules very well, so please forgive the spontaneous kind of stuff that occurred. Sorry to interrupt.

1040

Ms Carter: I would like to welcome and congratulate you on this appointment. I do work with the Ministry of Citizenship and I was involved in the hearings on the Advocacy Act, and it's good to see it working its way through and having got to this point. Personally, I can't wait until the advocates are in place and those vulnerable people are getting that assistance that they need.

From where I stand, you're the ideal type of appointment, because the emphasis is on doing what the person the advocate is dealing with wants, listening to their point of view, not telling them what's good for them, what they should be doing, but being able to share their point of view and act on it. I wonder if you could give us some information about your own background that explains why you are very well qualified to do that.

Ms Capponi: I'm a Montrealer by birth, but I came to Toronto in 1978 and spent three months and 11 days at St Mike's hospital in the psych ward there. That was my seventh admission. I was referred from St Michael's Hospital to a psychiatric boarding home in Parkdale, which was on the recommended list of the Queen Street Mental Health Centre.

There were 70 ex-psychiatric patients crammed into that building. It had a licence, and as I said, it was on the recommended list of the hospital, but it was horrendous living circumstances. Most of this I've written about in my book, *Upstairs in the Crazy House: The Life of a Psychiatric Survivor*.

While I was there, it seemed as though the rest of the world had dug a moat around us. There were people in that home from about 19 to one lady who was over 80, and we had mice, we had lice, we had violence, we had rape. We had I guess all the bad stuff and not much good stuff. You kind of forgot there was an outside world, if you know what I mean. We didn't see people from the outside world, and when on occasion a worker would bring someone to stay at the house, they kind of stopped at the office and didn't go further.

However, after a few years I thought perhaps it might be interesting to see the community. I hadn't realized that there was a community, but I was wandering around and saw at Parkdale community library that there was a public meeting one night, and I went to that public meeting, because the subject was the dumping of ex-psychiatric patients in Parkdale. I thought, "Gee, somebody knows about this house," right? So I went to the public meeting, and it was being hosted by I gather then-alderman Tony Ruprecht, who's now an MPP. He was burying a casket of the current Minister of Health, who I guess must have been Dennis Timbrell. I don't remember.

At that meeting, the residents' associations were saying some very uncivilized things about people living in the neighbourhood, like it was unsafe to go out on the street at night, especially when there was a full moon. Mr Ruprecht implied that his mother was fearful or had been mugged. Businessmen said that people were urinating on their doorways and how come nobody was put into Rosedale. You know, the regular stuff, but at the time it was the first I had heard this, and having lived under the conditions that I had for two years in Parkdale, I stood up and said: "I'm one of the crazy people you're talking about, and it seems to me, rather than saying the kinds of things you're saying, you ought to be looking into the living conditions that people are suffering right here. You ought to be looking into the amount of medication they're on and the fact that the diets are poor and that there's people dying there."

I was immediately accused of being an outside agitator and abnormal, which I thought was very funny, and I went on from there to work with the other alderman. It was Barbara Adams at the time, who introduced me to Peter Goodspeed at the Toronto Star, and we started a series of exposés on the mentally ill, "Nowhere to Go." Every paper used the same title.

From there, to skip along, when Larry Grossman was Minister of Health, I toured him through Parkdale, especially my boarding home, and instead of what Timbrell did, which was to say everybody's entitled to live wherever they want—it didn't matter that at the time welfare was \$218 a month—Larry Grossman actually said he would take responsibility for the situation, that the government had to take responsibility.

He asked me to sit beside him at a press conference where he announced the formation of the community advisory boards for 10 psychiatric provincial hospitals. He actually asked me to pour him water, which I thought was interesting. At the same time he announced 10 case managers for Archway and the formation of the provincial Psychiatric Patient Advocate Office.

I was very pleased one day to sit with Sheila Copps in the Legislature. We were asking about a community mental health clinic that we had and we were in the dining room of the Legislature and she told Tony to shut up, which made my day, it just made my day. I have fond memories of that.

Mayor Art Eggleton had induced Dr Reva Gerstein to be a one-person task force, the Mayor's Action Task Force on Discharged Psychiatric Patients. I was at the press conference with City TV, as their expert, just so I could ask questions. Through the office of David Reville, who was then our crazy alderman—he introduced me to Reva Gerstein and subsequently I got on that task force. That report is still in print and some of its recommendations have come a long way, including the Gerstein Centre, a crisis centre.

We did things like, with David, hold a boarding-home lunch at city hall where we had members of the opposition—I can't remember who was in opposition then frankly; well, I'm sure the NDP were in opposition—and the mayor come to experience a boarding-home lunch. My sister, who was also at Queen Street, played the landlord and abused people and yelled at people and we had a pharmacist handing out Smarties and taking orders and stuff like this. We also, early on, made quite frequent representation to the Metro social services committee.

I worked at Parkdale Activity and Recreation Centre, which was a large, large, large bowling alley that took most of the folks that other folks gave trespass notices to—so front-line experience. Then I left there, but while I was there we did Cuckoo's Nest cable on Maclean Hunter with an all-crazy crew. They were trained by the staff of Maclean Hunter to use cameras, to do directing, to do lighting, and they got credit for it.

We even did an all-candidates meeting there and interviewed the head of Queen Street Mental Health Centre and stuff like that, which was quite fun, and had people talk about being involuntarily sterilized, stuff like this, on the air. I also edited and published Cuckoo's Nest paper for about four years off and on, and that was writings of crazies and sympathetic staff in the Parkdale area.

From there, under the Liberals I think, I approached CMHA Ontario, Canadian Mental Health Association Ontario, under its former leadership, suggesting that they would gain in credibility by partnering with me to base me there as a leadership facilitator to go around the province working with people who have been discharged from hospital doing empowerment groups.

They did a budget which was kind of horrendous, and then I found out the government would have funded me without CMHA Ontario, so we had a continuing argument and I was placed at the Gerstein Centre to run the program.

I have been doing that for four years, which has given me a unique vantage point of survivors around the province in a program that was driven, not just driven but created moment by moment by the participants and their needs in the regions that we went to.

I'm probably going on too long and there's probably more I could say, but—

Ms Carter: So you're not a typical bureaucrat, and that is the intention.

Ms Capponi: Yes. Thank you.

The Chair: Thank you, Ms Carter. I'm sorry, Mr Malkowski also had a question, but we are out of time for the government party. We actually use a stopwatch in this committee because the time allocation per caucus is 10 minutes and it's very difficult otherwise to control the committee and keep it on schedule. We have appointments every half-hour for review today.

1050

Mr Malkowski: If I get unanimous consent, could I ask her a question?

The Chair: It's up to the committee. Is there unanimous consent?

Mr Sterling: No.

The Chair: There isn't unanimous consent. We have to move to the opposition party.

Mr Bradley: My first question relates to the balance out there or perhaps your view of what role the family should play as a whole. As individual MPPs, we get representations made both by patients and by the families of patients and, as you would well know from your experience, it's often very diverse advice that we get. What role do you believe that the family of patients should play in determining the treatment or the future role of those patients? Should there be any role at all for family?

Ms Capponi: It's interesting. Since I've been doing this for about 15 years, I've had a lot of opportunity to learn through my own mistakes. There was a time when family groups and survivor groups would cross the street to avoid each other. We've had in recent years a good, working relationship with the Manic Depressive Association of Ontario.

But the most learning I've done on this, and I think also my younger sister, Diane, who's also a survivor activist, was with my brother, who contracted AIDS and also suffered from dementia. As survivor advocates, we were put in a very strange position because he was wandering the streets and actually going out to the airport in shorts in winter and saying, "I want to go to Jamaica," and just totally out of it. It was very hard to go through that, to be on the other side, and what we both did was to ensure that his rights were clear and that they were protected, as much as we didn't want to do that.

I explained this to the psychiatrist. If he is capable of making his own decisions and he has a right to do that, all I want to know, and I think all my sister wanted to know, was that he was indeed capable at that moment of making his own decisions. He wasn't. He was certified for some time and the hospital nervously got a professional advocate in to give him his rights, but every step of the way—and I know how painful that is.

But because it's that painful, simply because it's that painful for family, the right of the patient has to be primary. This doesn't mean that there's no place for family, but sometimes our best interests are in the worst interests of our loved ones because we can't see them often as independent adults. We can't see that lifestyle questions or choices—you know, they had my brother in

restraints and he felt that he'd been in chains. Now that could be a sign of craziness or that could be how he was feeling.

I have a lot of sympathy for family groups and I know the commission will have an advisory group that will include family members, and I'm very interested in that point of view, but primarily decisions have to rest with the affected individual.

Mr Bradley: We encounter that. I can recall—obviously I won't name names—a specific case of a mother of a schizophrenic individual who informed me that she would in fact be dead within a year because of the way that she was operating her own life at that time. The mother pleaded with, I'm sure, every politician in the area and every civil servant and everyone who would listen, newspapers and so on, for someone to intervene on behalf of her daughter in this case.

Indeed, I pick up the newspaper and the daughter had been killed by somebody in this specific case. That is the dilemma that we, as politicians, face. I think very likely there were people who have been treated oppressively by a well-meaning or a non-well-meaning family, one of the two.

The other side we get is, what can we possibly do when we reach this point where the laws are such that I cannot do anything about this circumstance and I can see in my own mind that my daughter—

Ms Capponi: I think that's a falsity right there. The Mental Health Act is quite clear. "Imminent danger to self or others or inability to care for self." Right? What we're having is on the basis of interpretation of whatever psychiatrist one goes to and also the fact—and I think this is most important and this is some of the work we've done with provincial psych-hospital steering committees on their next five-year, 10-year plans.

How do we make hospitals places where people aren't scared to go, because it doesn't help someone to get better or go for help when they need to if they feel that the moment they're in there, they lose all their autonomy. They're going to be, you know, forced against their will to walk around in pyjamas or get rather painful shots. We have to make the places user-friendly again so that people enter with some confidence that they're going to be heard and listened to and not just held so that somebody else isn't going to worry.

There are worse things than dying, I have learned over the years, but also if I can quote David Reville and steal some of what he may say tomorrow, what he said as a father of a suicide is that some tragedies are not preventable. It doesn't mean that you have policies that remove people's civil rights because there are some tragedies.

Mr Bradley: If I were to ask you—and perhaps I know the answer on this because it's quite obvious to so many people about the services that are available to psychiatric patients and ex-psychiatric patients. There have been many documentaries that have been done on the lack of adequate services. If you were to isolate, and this may be an unfair question, one service that is most required and is at the present time underfunded or simply not available, what would you say that would be?

Ms Capponi: Consumer survivor development initiatives, which have proven—which really shouldn't come as any surprise, I suppose—the years I spent on welfare, it wears you down. It totally wears you down and you don't believe you have abilities or anything to offer anyone.

I think it was started under the NDP, I can't remember, but it's specifically targeted funding to psychiatric survivor groups like A-Way, like Fresh Start, like Able Enterprise—I'm going to miss some of them and they're going to be angry at me—to employ our folks in areas where they would never, never be able to get real jobs. So here the self-esteem grows. You know, when we were starting out, 10, 15 years ago, people like David and myself, we were told constantly that this is a community who can't: can't do this, can't do this, can't do this. People walk around like they do because they're crazy.

I was at the inquest in Orillia that resulted in the Ernie Lightman report. At that inquest people were saying, "Well, when we dug this guy up, he was"—well, sorry, but they had to exhume the body because nobody had checked him the first time properly. He'd been beaten and died and the jury was told that the body was in a filthy condition.

When I was on the stand, I said, "You know, it's not because we want to be dirty. You know, it's not because we want to be dirty," and I explained that in my boarding-house, you know, the washroom had no lock, and I don't know, there was like 20 people to one washroom and there was no soap and there were no towels.

That's the kind of thing that comes up, that we need to regain our self-esteem. We need to break through a lot of assumptions and presumptions and prejudice about our community and, to do that, we have to be visible and working and role models for others in our community.

Mr John C. Cleary (Cornwall): Welcome, Pat. The definition of a vulnerable person contained in the legislation, how do you intend to ensure that this will not lead to extremely high implementation cost and possible service inadequacies and potential abuse of the authority granted to advocates under the legislation?

Ms Capponi: All of that is of concern. I don't like the concept of professional advocacy. I don't believe anybody should be an advocate for life, myself aside. I believe in grass-roots advocacy and I made that very clear during the three interviews that I had. For me, the purpose of this kind of advocacy is to transfer advocacy skills to the populations themselves. In other words, decent advocates should work themselves out of a job. I have no interest in establishing an agency that will let live for ever. Actually that's my last idea. That's a dread of mine, and I think you can rest comfortably that I would be very watchful of that.

1100

Mr Sterling: I'm very concerned about the Advocacy Commission. I'm very concerned about any government agency having as much influence on personal, moral decisions as advocates are going to have across this province. Therefore, I think it's a mistake to have the Advocacy Commission and I voted against this bill.

Having said that, I want to know from you what you view an advocate to be. There is no definition in this legislation as to what an advocate is. What are the qualifications to be an advocate in your eyes?

Ms Capponi: Okay. In my eyes, and actually this is part of what went on in leadership facilitation courses, you know, what makes a leader, what makes an advocate? First off, you have to not be out to enhance your own ego. If that's why you're in the business, then you ought to get out. As long as people want to do for other people, then it's an ego thing.

I sort of grew up during the civil rights—

Mr Sterling: I asked what the professional qualifications should be?

Ms Capponi: Well, I'm not talking professional qualifications. You ask me a question—

Mr Sterling: Well, I want to know that.

Ms Capponi: I'm giving you the qualifications I would see for an advocate. I never said they were professional.

Mr Sterling: Well, I want to know what the professional qualifications are for an advocate.

Ms Capponi: Well, I guess we'll see when we advertise.

Mr Sterling: No, you're going to be part of the commission that makes this decision. I want to know what your views are on what the professional qualifications of an advocate should be.

Mr Jackson: If I might, I think he's referring to the people you might hire to go out into the community.

Ms Capponi: Yes, I know he is. I think you'll probably find in the ads that professional degrees are not going to have high ratings. There's more concern with the kinds of advocacy people have done, their motivation, the values they have, after which—

Mr Sterling: What values should they have then?

Ms Capponi: That they take direction from their client, that their primary activity is again to transfer their advocacy skills to groups rather than one-to-one kinds of advocacy which will ensure their jobs for ever, but to do community development of groups and help them get the information they need to do their own advocacy.

Mr Jackson: Ms Capponi, I have worked with David Reville on mental health legislation and boarding-home legislation and have a family member who's a survivor. I have a working knowledge of mental health issues and I have some concerns, given that there are a whole host or series of supports or changes or reforms that are required for clients, patients in this province, which I'm not necessarily seeing evolved at the rate they may have during the latter part of the 1980s, whether it's legal issues, whether it's income support, whether it's supportive housing, whether it's counselling and medical supports in a positive way.

I get a sense, when I talk to mental health groups and to patients, that we're seeing a reduction of access to services. Suicidal patients in my community are shipped many miles away, which is grossly unfair because of the reduction in beds. You know this turf better than I do.

In the midst of all this, now we have an Advocacy Commission. My concern, quite frankly, and I'll put it right out on the table, is that the best interests of the client, using your words, is to take direction from the client. Invariably, dealing with mental health issues, those services aren't going to be in place. What you know as being competent and capable of understanding that person's needs, they don't exist. Where are we now at this point? With a government agency, it'll attempt to be at arm's length—there's no question about that—but still it becomes a form of the establishment when it does that. How do we overcome that?

It's almost a cruel irony that we now have a third civil servant in the room telling people, "This is really what this person needs and should have and must have." Yet, we know there's no bed. We know there's no way we can get the income support to them. We know that there's a technicality on the legal definition which people are arguing over. Have you thought that part through and what are your views? What will the promise be for a survivor when there's a recurrence and they need an intervention of an advocate? What are we going to say to them, other than: "Yep, you're absolutely right. This is what you need, but it's not available."

Ms Capponi: Advocacy is not a new concept. There are lots of people, lots of mental health workers who called themselves advocates, and services weren't available then. I remind you, I was sent to that boarding home when Dennis Timbrell was Minister of Health and deinstitutionalization occurred under that, so there have always been people who have said they were advocates.

What the difference is now, what I believe the difference is—I guess the Gerstein Centre was the first non-medical model psychiatric crisis centre that was set up. We have 10 beds, we have—we; I'm very possessive—a crisis team that goes out and sees people who wish to be seen. When they come in, they're not searched, their bags aren't searched. We don't hide the knives in the kitchen. People are treated like people. People are asked, "What works for you when you're undergoing a crisis?" So what it makes me think about is, you don't need to ship people 30 miles, 60 miles, 120 miles away. You can set up a system of peer support at a fraction of any funding. Right? You can have safe houses, and these are things that our movement, the survivor movement, is asking for.

You will find in the movement nobody is saying, "Build another Queen Street, build another Whitby," although we are building another Whitby. We're saying, "Take the funds," which has become, you know, mental health industry. Take the pharmaceutical funding and put it into something that works and what works is the empowerment of individuals to choose the kind of care that works for them, which is very rarely found on—I don't know—a psychogeriatric ward or a crisis ward.

Mr Jackson: Ms Capponi, I agree with what you're saying, but is that the appropriate role for the Advocacy Commission to be setting that out?

Ms Capponi: No, no, it's not appropriate. I'm giving you my opinion. I can't tell you what the commission's going to do.

Mr Jackson: But that's not what I asked you, because

I'm familiar with your views and I'm rather supportive of the kinds of initiatives. What I'm saying is, in the last four years, for whatever reason, and without pointing fingers, we haven't seen a huge increase in the budgets or expansion of these kinds of beds and supported programs.

My fear is that we're setting out an expectation. So the good news is, we're bringing in psychiatric survivors to participate in an Advocacy Commission who are now going to be setting out this new order, this new way of doing things, to a government which is saying, for whatever reason, "We're just unable to do that." What are we doing by setting up that expectation in the mind's eye of the resident? I used the phrase "becoming the establishment," which is what my concern is.

1110

I want to raise my final point and then I'll let you finish because we won't have time left. But this notion of advocates, and I'm talking about your role as an advocate for mental health reform in this province over the last 15 years, now becoming part of the system, if I can call it that, which is a fear—

Ms Capponi: A fear on whose part?

Mr Jackson: Well, no. I know what Saul Alinski would have to say about that, but that's not the issue here. The question I want to ask you is, you have participated—and we've had one window to your experiences at the Clarke Institute, for example. I understand you've been on the board, and we've interviewed appointees to the Clarke Institute.

I support your view that we should not be engaged in electroconvulsive therapy. That's my personal view of the world. Okay? That's how I feel. And yet, I understand that in your role as an advocate, you've been unsuccessful in terms of causing any change or any public uproar on this issue. I ask you, from a personal point of view, what does that mean to your ability to fight publicly and advocate not only on an individual basis but for the kinds of reforms you're suggesting?

Ms Capponi: You've made an assumption that I'm out fighting electric shock. I am not. I have always said that if we start telling people, "Don't do that," then we are no different than the doctors who say, "Do that." What I support is informed choice. That is what I support. I have made no effort to tell people. I wouldn't have it. If people say, "Do you want it?" I'll say no. We're not in the business of intimidating survivors into not making choices. We want the choices clear.

The other thing is, you said, "During the last four years." During the last four years, although there's been a recession, we took a couple of million dollars and ran with it and created jobs for our population, for the survivor population, which has expanded exponentially in terms of working, crazy people who are no longer on FBA, who are no longer on welfare, who are no longer lining up. So I'm suggesting to you that we're not making a promise. The disabled communities themselves are making a promise and a commitment, one to another, not that things will change but, damn, things are changed. Things are changed.

The Chair: Thank you, Ms Capponi, for your appearance before the committee this morning. Ms Harrington, you had a question?

Ms Margaret H. Harrington (Niagara Falls): Yes, Madam Chair. I just wanted to thank the citizens for coming to join this committee this morning and showing their interest in this issue.

CHARINEE J. DE SILVA

Review of intended appointment, selected by official opposition party: Charinee J. De Silva, intended appointee as full-time member and vice-chair, Social Assistance Review Board.

The Chair: Ms De Silva, you may make a brief opening statement, if you wish, or we will just start with the questions of the members of the committee. Would you like us just to start?

Ms Charinee J. De Silva: Yes, please.

Mr Bradley: My first question relates to when an individual is sitting on an agency, board and commission where there are, for want of a better word, adjudicative powers. I suppose one looks for impartiality in those who are making the decisions.

As I look at your résumé, it indicates to me, and you will correct me, I'm sure, if I am incorrect, that you have been an advocate of many different individuals and, it might be, someone who didn't know you may look at the résumé and say, "Well, here's a person who will be more inclined to be granting the appeals on these cases," because many of the people you have defended are people who would be vulnerable in our general system out there to government abuse or something of that nature.

Do you believe that you can be impartial, having been an advocate on one side for a substantial part of your career?

Ms De Silva: Even as an advocate, all the time we are impartial and we try to do justice. There are always two sides. I don't do, or at least I didn't do, social assistance work all the time. I've been at a legal clinic for close to six years and I did other areas of the law as well: landlord and tenant, immigration, mostly landlord and tenant. We always had to listen to both sides and, in my experience, at least about 90% of the cases have been settled. So we do that because we listen to both sides and we try to do justice to our client and be impartial too.

Mr Bradley: Okay. My second question: Obviously we see the amount of tax money going into social assistance increasing substantially as the years go on, and certainly much of that is attributed to the very difficult economic recession we have gone through, but there are some perceptions out there that it's increasing on a permanent basis in certain categories, and one where there has been, at the local level, at the municipal level, some concern expressed by municipal councillors has been that of student welfare.

The concept, of course, of student welfare, most people would agree with—some people don't—that a person in a totally abusive situation at home, unable to function there and who wishes to continue on in school is allowed to do so by providing student welfare.

Again, as individual MPPs, we get calls from people

who say, "Well, my kid simply doesn't want to follow the rules at home and you give him student welfare," because it's always as though the MPP is handing it to them. "You give him student welfare. He lives with his five friends and they don't even attend school very often."

Do you believe that there is a need to better administer student welfare so that students (a) actually have to go to school to get student welfare and the policing of that, and (b) that it must be how are we going to determine it's a genuine case and not simply a student at the age of 16 saying: "I don't like the rules at home. I want to stay out till 3 o'clock in the morning. I'll precipitate a battle with my parents and away I go." How do we deal with that problem?

Ms De Silva: Student welfare is given if there is financial need and if there is hardship. I personally have not dealt with any cases, but I can just answer your questions on general knowledge, that the welfare office will confirm or make sure that the person attends school and also that he or she is in a real abusive situation to grant assistance. Even after they have granted assistance, as far as I know, it's evaluated or reassessed every six months. I believe the reassessing is done on a more frequent basis now. Earlier it was probably once a year or once in six months, but now they do it more frequently.

So it's not as if a student gets welfare for a few months and then attends school every day and then after a while parties till 3 o'clock. The student will have to prove that he has been attending school, and I believe they even contact either the counsellors or the principals or the vice-principals to ensure that the student is attending school.

Mr Bradley: Municipalities are now beginning to crack down, as they would say, on this kind of what they would feel would be fraud, at least some of the cases being fraud, part of it because the province has indicated it wishes to see a crackdown. Indeed, the Minister of Community and Social Services apparently hired 200 people or so to crack down on welfare fraud.

Yet, municipalities generally feel that what happens is, as soon as they start to crack down and try to target the welfare payments to those who are genuinely in need, they end up going to the Social Assistance Review Board, which then just throws the case out and rules in favour of the person who wants more money out of the taxpayer. So there is a great concern that's expressed by locally elected municipal councillors that their efforts to target social assistance payments to those who are genuinely in need are thwarted by the Social Assistance Review Board. How will that be taken into account when you're making your decisions?

Ms De Silva: I wouldn't say that every person who appears before the Social Assistance Review Board gets a favourable decision. There are so many cases that are turned down. As an advocate, I would always like to give the benefit of the doubt to my client and see how the person could still be allowed to get assistance, but at the same time, we don't represent every person who walks through the door. We always check. It's done in a case-by-case way, and if we feel the case doesn't have any

merit, we don't represent. There have been cases where we believe, "No, you don't have a case, and we are not going to represent." If somehow a person like that appears before the board, before me once I'm a board member, I would look into all the merits before I grant assistance.

1120

Mr Bradley: We are confronted with a situation likely where there will be so much public pressure to restrict government expenditures further and further each year that there will be even greater pressure to target social assistance payments to those who are genuinely in need.

The reason I ask those questions is, I'm of the belief that some of these programs, which are good programs in concept, are going to be thrown out the window, simply by reaction of the public who say they're sick and tired of paying for programs when they see the abuse, and I think of the student welfare one, which I think in concept is a very good one, and it's helped some students. The fear is that the abuses of these programs will result in the loss of these programs, future governments getting rid of them or something of that nature. So that's why I asked that particular question.

Again, what relationship would you be having or would the commission have, if you had your way of running it, in consulting municipalities about the problems they confront in dealing with social assistance? What kind of consultation would you have? You'd obviously want to consult with all groups, advocates' groups and municipalities. Would it be your view that this agency should be consulting on an ongoing basis with these organizations?

Ms De Silva: As far as I know, there is consultation going on. I'm not quite sure—as you know, I'm not a board member yet, but I know that the clinics are in contact with the board, and even with the municipalities and the FBA officers. The idea in all of us meeting is to see how we can improve the system. I'm not involved in any of the groups myself, so I'm not able to give details, but I know that obviously they are meeting and planning to see how they can control the whole system.

Mr Bradley: There's a form that you have to fill out or you may fill out when you apply for an agency, board or commission. It lists five things that you have to check off: one that says whether you're male or female; a second, are you a visible minority; third, are you a member of an aboriginal group; fourth, are you a francophone; and fifth, are you disabled? Did you resent being presented with that kind of form to fill out?

Ms De Silva: Not really. Whether I resent having to fill out a form?

Mr Bradley: You know, the form that designates you, pinpoints you as to whether you are a visible minority or not, whether you're a woman or not, whether you're disabled or not, whether you're francophone or not. Do you resent filling out a form like that that pegs you in a certain category?

Ms De Silva: Well, if I fit into one of the categories, I don't see a problem.

The Chair: Thank you for that answer. We're out of time, Mr Bradley.

Mr Jackson: Ms De Silva, how long were you duty counsel at the Social Assistance Review Board?

Ms De Silva: I have not started working there yet, I'm just hoping to start sometime next month.

Mr Jackson: Let me understand.

Ms De Silva: I'm still with Downsview legal services.

Mr Jackson: Okay. When I look at what's been prepared here with your application, duty counsel to the Social Assistance Review Board, you haven't—

Ms De Silva: Oh yes, I'm sorry. That was some time ago. I think I did it for a couple of months. There was a project where all the clinics were involved.

Mr Jackson: I'm sorry, all the—

Ms De Silva: All the legal aid clinics were involved, so we would take turns. I think I was there maybe 10 times over a period of six months.

Mr Jackson: Was this to deal with backlogs?

Ms De Silva: No, not just backlogs. They felt there were so many people appearing before the board without counsel, and if there was a situation where a client, an appellant would go in and there was no counsel representing them, then they would come and see me.

Mr Jackson: Who is "they"? If you could be a little more specific, I'd appreciate it.

Ms De Silva: The appellants, the people who are appearing before the board on a case.

Mr Jackson: Social assistance recipients would be referred by the Social Assistance Review Board, that they perhaps should use counsel, and then they'd contact you and you'd come to the appeal and represent them.

Ms De Silva: No. That's not how it worked. We would stay there. There was one room in the office, so if it was my day and I was supposed to be on duty, I'd be there from morning. It's not that anybody would contact me and not that the board would contact me either, but the appellant who's appearing before the board would come and then the board or the reception would say: "Do you have counsel? If you don't have counsel, there is duty counsel just next door."

Mr Jackson: How much did they pay you to sit in and be on-duty counsel for a half-day?

Ms De Silva: We were not paid anything extra. It was just part of our job.

Mr Jackson: You mean the legal aid clinics were providing this as a free service to social assistance?

Ms De Silva: Right. That's correct.

Mr Jackson: To your knowledge, or as a matter of fact, do you know that there's no exchange from the social assistance board to the legal aid fund to pay for those legal aid services?

Ms De Silva: To my knowledge, there wasn't anything paid. It was during—

Mr Jackson: Perhaps we can have that checked by the research department. I find the concept—I didn't know at this point that they had duty counsel who waited there in anticipation of—you represented anybody who

came into that specific location?

Ms De Silva: Right, and let me correct—they don't have it now. They just had it for a while.

Mr Jackson: Was it an experiment or a pilot project?

Ms De Silva: It was like a pilot project.

Mr Jackson: How did you feel about the appropriateness of such a program?

Ms De Silva: It was helpful to the appellants. Some people didn't even know that there was counsel available.

Mr Jackson: Well, there isn't normally counsel available.

Ms De Silva: Right.

Mr Jackson: It was under the pilot project, so everybody would be surprised. I guess what I'm asking you is, as the vice-chair responsible for administering social assistance review, is it something that you would support actively? As a result of this appointment, you'd be in a position to recommend or to budget for such a service.

Ms De Silva: Definitely. There were many cases where the appellants came to me and it was not something that I could do right then and go before the board for a hearing, so I would request an adjournment and then, if the persons lived in our area, refer them to our clinic or wherever the appellants lived and refer them—

Mr Jackson: You would refer them to another clinic.

Ms De Silva: To another clinic.

Mr Jackson: Could you tell me who referred you to this appointment or who contacted you about the appointment? How were you made aware of the appointment?

Ms De Silva: Two years ago I had applied. I went for the interview but I was not selected. Just a couple of months ago I was contacted by a board member and I was told—

Mr Jackson: Which board member was that?

Ms De Silva: It was Maureen Adams.

1130

Mr Jackson: There has been a lot of controversy around legal aid use and disproportionate legal aid use, so I'm intrigued by your bringing to our attention this whole issue of the duty roster legal aid to refer to legal aid. Would there be a fair number of adjournments as a result of determining that there was a desire for or need of legal aid?

Ms De Silva: The question was about adjournment. Is that correct?

Mr Jackson: Yes.

Ms De Silva: Right now the board is very strict about adjournment.

Mr Jackson: I'm talking about the time that you were involved. I want to get a sense of that period when you were making those recommendations for adjournment.

Ms De Silva: At that time, if I believed that this person needed representation, it was fair to request an adjournment. That way the appellant would have representation and would have a fair hearing. Otherwise, if the board would not grant an adjournment, the appellant would just have the hearing and most likely lose.

Mr Jackson: But you didn't then become the legal counsel. You were just there as a conduit. You were a referral agency at that point. You were not providing direct legal services. You were assessing the case and saying, "I think you need legal aid," and then you were referring either to your own legal aid clinic or others in the city.

Ms De Silva: That's what I did mostly. I can talk about my experience.

Mr Jackson: You indicate an understanding of the difference now between the numbers of appellants that were occurring while you were in this capacity of the pilot project and today. Can you share with the committee a sense of how many more appeals, deferrals, compared to the numbers that are occurring now? Can you share with us any—

Ms De Silva: I remember going through the annual report a couple of weeks ago. If I'm correct, it's about a 45% increase from the previous year. Although we find that the welfare recipients somehow have decreased slightly, the appeals before the board have increased drastically.

Mr Jackson: I know there were some substantive policy interventions made around social assistance with respect to refugee eligibilities and illegal refugee claimants and that they form a large component of the applications in various parts of this province, in particular Toronto, of course. Did that cause a ballooning of the appeals around the time when this policy decision was implemented, do you recall?

Ms De Silva: The refugee claimants appeals for welfare, yes, that is—

Mr Jackson: When was the change in the policy? I'm trying to fix when you were on this pilot project and when the policy change kicked in.

Ms De Silva: I think the policy change regarding refugee claimants came later. This was within the last year or year and a half. The pilot project was—

Mr Jackson: About when?

Ms De Silva: —probably about three years ago. I could be mistaken. I know there was some duty counsel project again even after that. It's not to say that there wasn't a project after. There could have been, but I was not involved, because I remember getting a case from somebody who was referred from the duty counsel. The duty counsel referred this person to my clinic and I represented, so that's why I know.

Mr Jackson: Okay. I have two very quick questions about student welfare. To put a fine point on Mr Bradley's question, my understanding is, the way the law is written—

The Chair: Mr Jackson, you're welcome to leave them on the record, but there will not be time for Ms De Silva to answer them, that's all.

Mr Jackson: It wouldn't be fair to put a question on and not give her a chance to answer. Thank you very much.

Ms Harrington: Thank you for coming before us this morning. As you know, in the last six months or so there

has been a lot of talk about whether or not we can change social assistance, the Turning Point report and some of the initiatives that have been announced for this year such as JobLink, which gives people the information and then tries to help them get into that first job, and also such things as the Jobs Ontario Training Community Enterprise program, which is especially money set aside to help people on social assistance try to start their own businesses. Those types of initiatives are the direction we're going in at this point in time, and also we have to, of course, get funding from the federal level to assist in this.

I'm wondering if your view of the social assistance system is similar to this, or what vision you would have to improve the system over the next short while, hopefully.

Ms De Silva: I'm aware that the government has made several initiatives and Turning Point is a benefit. I'm also aware that due to financial restraints the government has not been able to proceed on some of them, except with JobLink I believe there is some progress.

I'm not sure how I can improve—I guess I should first work at the board for a couple of months, get a feel for it and then see how things could be changed. Then there are advocates and there are times that they are frustrated with the system. They're frustrated even with the board, that they should be doing things differently. When we had to wait a long time for a hearing we would make—

Ms Harrington: I wasn't specifically asking you about the work of the board, but your past experience in working with the legal clinic, interacting with the clients and the system, what your vision would be to improve our social assistance system.

Ms De Silva: Regarding appeals?

Ms Harrington: No, just in a broader sense. The initiatives that we as a government have announced this year, the direction that we have said we want to go in over the past three or four years but are not able to without the assistance of the federal government at this time, and hopefully that will be coming very soon. I think the movement is there. I'm just asking you, is that the same as your vision for social assistance in this province or would you like to add what your personal views are?

Ms De Silva: Yes, I would support the view, and I could add that there are so many cutbacks for the recipients, but at the same time I'm aware that cutbacks are the other side of finances. The recipients, for instance, used to get first and last months' rent, special benefits for glasses, for dental facilities, so many benefits that the recipients are not entitled to now. So if there is a way that the people who deserve or who are really in need of that type of assistance would be entitled to those, it will be good.

Ms Harrington: In the last presentation we heard about a whole new change in mindset with regard to dealing with people who have been in mental institutions. I believe there has to be a whole new change and outlook in enabling people to be more self-reliant, self-sufficient, have choices in their lives. This is very difficult to do, but I think the social assistance system is part of that

process, that it can't be seen as keeping people down but in effect empowering people. That change in mindset is, I think, what we're talking about when we talk about JobLink and these other initiatives. So that's what I was trying to get at. I'll pass to my colleague.

1140

Mr Daniel Waters (Muskoka-Georgian Bay): Mr Jackson was talking about a pilot project. I just went back and checked with some people and I understand that was actually a pilot project that was developed under the Liberal government. It was a previous government that did that pilot project. It wasn't something that we had put in place. I also understand that it was funded through the legal clinics. I just wanted to make sure that was clearly on the record.

This is what I would like to ask you: This is an actual case. I won't mention the names. Back in 1982 a couple moved into my riding and lived there for a year. There was a downturn in the economy. Their 16-year-old son moved with them. After a year, the father decided that he couldn't get work in the area and went home to southern Ontario from whence they had come as a family. The son—and this is 1982, not 1992—went on student welfare because he didn't want to go home with mom and dad. I understand that this has gone on for some 12 years now, that I'm aware of, and indeed we've been trying to clean this up.

Getting to Mr Bradley's point about the cost that's put on the local municipalities, and go to SARB for their review, what would be your feelings on a case such as that? Under the present rules, obviously they would be found ineligible. There was no abuse in any way. He openly said that, so he would probably be found ineligible. What would be your feelings on cost recovery or speeding up the process so that indeed that cost wasn't passed on to the municipality for someone who shouldn't have got student welfare? I'd like your comments on that.

Ms De Silva: They had the interim assistance in place. When you file the notice of request for a hearing, then at the same time you request interim assistance. Interim assistance is not granted every time either. There again it's granted if there is hardship and the need is there. In a situation like that, the person probably would not have been granted even interim assistance. Then he appears before the board.

Mr Waters: So under the system as it fits under the rules of today, they're much stricter, then, for young people and that coming on. They have to show hardship and need in order to access those dollars, unlike what they did in 1982.

Ms De Silva: Definitely. They have to show it. It's not every 16- or 17-year-old who's granted assistance. Whatever they give as their reasons for requesting assistance is checked by the welfare officers and, as far as I know, even their investigators.

Mr Waters: Just wanting to stay in Muskoka is no longer a reason. That's a relief. That would be all my questions then. Thank you very much for coming before the committee.

Ms Carter: You've been working with clients and

now you're going to be doing a rather different kind of work. I'm just wondering what sort of transition you will have to make to be an adjudicator at the review board.

Ms De Silva: I'm really looking forward to it because it's something that I have liked and wanted for a long time. It will be, I won't say difficult, but different at the beginning because I'm used to representing people and now I'll have to make decisions. As far as I know, there are going to be five weeks of training. I've appeared before the board on numerous occasions for the past six, seven years, so it's not something new. At the same time the transition might take a little while but I'm looking forward to it.

The Chair: Thank you, Ms De Silva, for your appearance before the committee this morning.

JUDITH DAVIDSON-PALMER

Review of intended appointment, selected by government party: Judith Davidson-Palmer, intended appointee as chair, Justices of the Peace Remuneration Commission.

The Chair: Welcome to the committee this morning. This is a selection by the government party. Would you like to start the questioning, Dr Frankford?

Mr Frankford: Good morning. I guess this is an agency I don't think any of us had thought about before. Can you tell us how you arrived at showing interest in the position?

Ms Judith Davidson-Palmer: I was approached by a member of the staff of the Ministry of the Attorney General to inquire whether or not I would be interested in looking at the remuneration of justices of the peace. I think the reason I was approached is because I have done a considerable amount of work in somewhat unusual compensation issues, for example, looking at the wages of homemakers in Ontario. I'm the mediator in a dispute with Bell Canada and its unions at the present time—so some rather unusual things. I proceeded to discuss this with the ministry and it looked like it would be an interesting and challenging issue to address.

Mr Frankford: Have you had the opportunity of looking into the question broadly?

Ms Davidson-Palmer: I've had a brief opportunity of looking into some of the background reports that have been done on the issue, of speaking with various members of the judiciary around some of the questions and issues, but there's a lot more work to be done in terms of addressing some of those issues.

Mr Frankford: Do you have any thoughts yet on the remuneration arrangements?

Ms Davidson-Palmer: I think the primary function of this commission will be to find a fair and equitable way of looking at the total compensation of justices of the peace. In the sense of coming into this, I think it's important to have a relatively open mind as to what some of those issues are. I have read some of the background reports that have been done on it which look at issues of relativity to other types of similar occupations and so on, as well as the comparative position of justices of the peace in Ontario vis-à-vis JPs in other parts of Canada. I think there is an important issue and I think there has to be an independent examination of it.

Mr Frankford: I really haven't looked at it very closely myself, but if I understand right, there's a mixture of payment methods.

Ms Davidson-Palmer: There has been, yes.

Mr Frankford: There are salaries and fee-for-service.

Ms Davidson-Palmer: That's correct, there has been.

Mr Frankford: Have you had any thoughts on how well the fee-for-service arrangement works?

Ms Davidson-Palmer: Given that the thrust at the present time is to move from a fee-for-service, convert it over to a salaried type of position, I think that's a fait accompli. I think that in terms of a salaried kind of position, the important thing is to ensure that the duties are compensated appropriately and that people feel that they're being treated fairly.

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The Chair: Mr Malkowski, and then Mr Waters.

Mr Malkowski: Congratulations on your intended appointment. Could you perhaps inform the committee of your knowledge of the justice system and specifically the role of the justice of the peace in this system?

Ms Davidson-Palmer: I have worked previously with the police throughout Ontario, so I have some idea in terms of the operations and how the justices of the peace relate to the police officers. I have looked at the positions and the duties and so on of presiding versus non-presiding justices of the peace, the extensiveness of their role in the legislation they're dealing with, the Provincial Offences Act, the various other mental health acts and environmental acts, the Criminal Code and so on.

I'm familiar with their role in terms of the issuance of various types of warrants, bail hearings, commitments in terms of mental health and so on. I think I have a fairly good idea of the types of duties they're involved with. I'm also familiar with the fact that there have been a number of duties over recent years that have been transferred from judges to justices of the peace, which I think has significant implications in terms of their remuneration.

Mr Malkowski: Just to follow up, could you perhaps explain what kind of leadership skills you have that you'll be able to bring the committee, where you can balance the views and the needs of the justices of the peace with the need for the administration and the remuneration?

Ms Davidson-Palmer: That, of course, is the critical challenge in terms of getting something that's fair and equitable and also affordable. I think, in terms of my own experience, that I have dealt with a number of issues along this line. The current mediation that I'm dealing with at Bell Canada involves significant sums of money which are considerably in excess of what's involved here. I think there's my compensation background, as well as project management experience, as well as dealing with fairly complex situations which have in the past had government policy and financial implications. I've been involved in looking at intergovernmental agreements between the federal and provincial governments, in looking at payouts on skill training and looking at various others issues in total compensation which I think can be

applied in terms of experience here.

Mr Malkowski: Thank you. Good luck.

Mr Waters: Being a rural representative, I'm curious how that's going to work. I guess like a number of us who sit in the Legislature, we represent very rural areas of the province, and I would want to make sure that indeed—because although the job may be the same on paper, it isn't necessarily the reality out there. Quite often, a justice of the peace in rural Ontario, I know within my riding, sometimes drives from Barrie to Midland or Midland to Barrie or wherever. They drive vast distances at all hours of the day and night. I'm wondering if there's any intent to look at rural versus urban, or if there is a need to do that.

Ms Davidson-Palmer: The rural justices of the peace, as I understand it, have made representation to the fact that they feel their job is a broader job because they're more alone out there than, say, people in Toronto. On the other hand, the people in Toronto have indicated that they have a more complex set of duties and more involved kinds of cases.

In terms of determining the fair remuneration, really what has to be looked at is the skill, effort, responsibility and working conditions. In one case it may offset the other, but if they are significantly different, then there should be some accommodation in terms of the remuneration for that. But at this stage it's difficult for me to say whether or not there is a significant difference. You'd have to look into it in some depth.

Mr Waters: The last question is, should it be binding on us as government?

Ms Davidson-Palmer: The judges' commission of course now is binding, and I think that's a difficult question. There is some merit to having an independent commission being binding, obviously, because the purpose of setting up an independent commission is so that you have that kind of advice; on the other hand, recognizing that the government as a whole has to consider all of its financial liabilities, if you come with a significant remuneration package for one sector and not for others, then you create problems for everyone.

Mr Bradley: Maybe we can tie them to MPPs' pay.

Mr Waters: We'd also have to make that binding, Mr Bradley.

Ms Davidson-Palmer: Interesting concept. I'm not trying to totally evade the question, but I really think that it deserves more examination before I can make some sort of suggestion in that regard.

Mr Waters: I thank you very much for coming before us. I wish you well.

The Chair: Mr Conway.

Mr Conway: Thank you, Madam Chair, and Ms—I've got my names mixed up here—Palmer. I got that partly right; Ms Davidson-Palmer. A very impressive résumé, and this is an interesting subject. I was interested in your comments to the previous questioners.

Like Mr Waters, I represent a rural community and I'm aware of the changes that the JPs in our area are now expected to discharge. They seem to be doing so quite

admirably, and I think there is clearly the expectation that we will move to a greater, not lesser, role for JPs. There's no doubt that because it's been such a hodge-podge over the years, the questions of not just mandate but status and remuneration are going to be very considerable.

My experience here over the years is that of course none of this takes place in a vacuum.

Ms Davidson-Palmer: Right.

Mr Conway: Most of my provincial court judge friends—I don't have many, but I have some—spend not all of their time but a good bit of their time complaining bitterly about how much more work and how many fewer dollars they earn relative to their county court colleagues. I'm stunned at the investiture of time and effort in that comparative question.

I can well imagine how now the justices of the peace will be—and I think they do have a case. I think they have been jobbed in some ways. I'm sitting here trying to contain myself because I had some discussions this summer with people on the provincial court bench and they made the mistake of telling me some of what they were not doing. Again, it's insidious almost to raise these questions because I know it's that some judicial districts are, quite frankly, easier than others and you've got to set a rule for the entire province.

But I guess one of the questions I have, and it's been alluded to, is what your own view would be as to an appropriate level of remuneration. You've sort of answered that by saying it has to be looked at to a greater extent. I would encourage you to do that, but if I ever were in a situation of real authority—and increasingly, elected members have no authority in these matters.

I once sat in a cabinet with my friend Bradley where the people I represented actually thought I had something to do with the appointment of judges, and I had nothing to do with the appointment of judges, which at one level didn't bother me, except everybody I represented thought I did. What I'm finding, particularly in the sanctum sanctorum of the judicial and quasi-judicial world, is that people really want to take just about everything away from the politicians except the messy businesses of accountability and responsibility, including who gets to pay the bill.

I don't know who's there now, but in our day in government we appointed a happy band of disinterested worthies, Michele Landsberg and others, good people. They got to make the appointments. The only thing we never did was advertise the fact that that's where the real power was vested. It had nothing to do with the cabinet, it had nothing to do with the Legislature. We got to raise the taxes and pay the bills, which nobody else seemed to volunteer to do.

So I guess my question in all of this is, would you be willing in the course of this mandate to operate within some kind of envelope that said: "I'd like to give you real encouragement on this compensatory matter but would also include an opportunity to recommend a sort of zero-sum game. We're going to provide these levels of income for full-time JPs, part-time JPs, but as part of this

consideration we're going to recommend the reduction of full-time provincial court judges by 8%?"

The difficulty we have in this is that since there is basically at best a very diffused game being played here, nobody really sure who's on first and who's on second, the assumption is that the sky's the limit in terms of paying the bill.

Ms Davidson-Palmer: I think that relates back to Mr Waters's question about the issue of binding. I think the problem there is, the mandate of this commission is solely with respect to the justices of the peace, so this commission cannot make a decision which impacts on the judges, for example.

Mr Conway: But we know of course it does.

Ms Davidson-Palmer: Coming back to your concern with respect to the overall budgeting of the government, then obviously what has to happen is you have to look at what happens with the judges, what happens with the justices, what happens with the public service, what happens with all of these people who are calling upon the financial capabilities of the government. That is where the decision of the politicians lies at the present time.

Now, because the binding of the judges is there, you're quite right, it does remove some of your control, if you will, over that particular aspect. However, on the other hand, against that, you've got the whole issue of an independent judiciary, so it's a very difficult question.

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Mr Conway: But there's no question in your mind, as an expert on these matters of compensation, that any decision that is made on the subject of justices of the peace's remuneration will be immediately seized upon by everybody else in the judicial and quasi-judicial fields as the basis for a renegotiation of their income status.

Ms Davidson-Palmer: It happens all the time—

Mr Conway: Absolutely.

Ms Davidson-Palmer: —in every facet, the private and public sectors.

Mr Conway: I guess I'd just make the point again that we've got to do something about advertising to the world that we have nothing to do any more with any of this except to pay the bills, as crazy and as cockamammy as these bills are getting to be. The poor people in Bracebridge think that Dan Waters has something to do with this, and he doesn't, except vote the tax appropriation.

The Chair: I think Mr Bradley has a question. Did you have another question?

Mr Conway: No.

Mr Bradley: My question is—and this is perhaps a silly question because you're being appointed—why do we set up these commissions? We know that there's no money. I just read an article by Martin Mittelstaedt, who certainly couldn't be considered to be a right-winger, talking about "Canada Gets Deficit Wake-up Call" in today's *Globe and Mail*, showing that we're in an appalling situation in debt.

The government already had all these contracts it set up and then it broke them all, said collective agreements

don't mean anything, not because it wanted to be mean but because it has no money. So don't you think the government is unwise to set up a commission to which it cannot listen and still maintain any kind of financial integrity?

Ms Davidson-Palmer: I think one way or the other a decision has to be taken about the remuneration of the justices of the peace. I think the key issue here is that one of their concerns, and it relates back to what you were saying, is that they have been on the wrong side of the preferential treatment of other occupational groups in the judiciary. I think that somehow a decision has to be taken.

I think the reason for the commission was that there be an independent body which looks at this whole issue. In the context of the overall expenditures the government has to make—and I'm referring to everybody, not just the NDP, but all of the expenditures that you have to make decisions on—this obviously has to be compared with other things.

Mr Conway: But judges are different today. Don't talk to me about judges.

Mr Bradley: It seems to me that if you make it non-binding—if it's binding, that's one thing—for instance, which a lot of people would probably be in favour of now, all it does is raise expectations, because the Commission on Election Finances every year comes in and says the members of the Legislature should get a huge increase, they're underpaid.

Mr Jackson: They're making less than justices of the peace.

Mr Bradley: Yes. Then everybody just laughs, and says, "Of course, we won't be implementing that." But it does put in the minds of MPPs that they must be hard-done-by because the commission says they're hard-done-by. My point is that if we set up this commission on which you will be sitting, and if it's non-binding, isn't all you're going to do is raise the expectations of justices of the peace and tell them that they're hard-done-by when the government says, "You may be worth it according to the commission, but we're not paying you that because we don't have any money"?

Ms Davidson-Palmer: I think there has to be some good faith in all of these endeavours. If a recommendation is made and if it is deemed to be one that's fair and objective and also takes into account the fact that we're not in the early 1980s here—we're dealing with a recessionary environment—whatever recommendations come out of this particular commission have to be realistic in that context. I wouldn't presume at this stage. I personally wouldn't go into it if I felt that anything this commission recommends is going to be automatically not accepted.

Mr Bradley: Did the government put down any rules as to how you operate in these terms? The big argument now is, the municipalities will say the government should tell those arbitrators that they can't be giving these huge increases. That never really happens except that the government frowns on it and doesn't reappoint them. That's the problem I can see, that if it's binding and it

doesn't take into account the ability to pay, something's got to happen there. If it's non-binding, all it does is raise expectations and it's a charade you go through. Don't you think—and I hate those questions—that it would be better for the government to simply say what it's paying these people and that's it?

Ms Davidson-Palmer: In answer to your preliminary question about whether or not there are rules, there are terms of reference for this commission but there are not terms of reference which state, "You will not increase the wages, or you will only increase them by 1% or 2%." However, in dealing with compensation issues, whether you're dealing with a major corporation or you're dealing with a government agency, you have to be cognizant of the fact that there aren't unlimited funds to throw at these things. In the context of having an independent examination of the roles of these people and their remuneration, I think this is an appropriate way to go.

Mr Jackson: Ms Davidson-Palmer, I am very much impressed with your résumé and therefore I'm not going to get into your qualifications. I think you're eminently qualified. I do have a series of questions, though, if you could assist me with them.

Ms Davidson-Palmer: Certainly.

Mr Jackson: I concur with my colleagues from the Liberal caucus who indicate that any paper you produce is going to have an impact with respect to comparabilities within the justice field. I personally feel that we've got the cart before the horse, because at several inquests, juries in this province have identified serious weaknesses in the delivery of our justice system, serious weaknesses that in fact, according to the Yeo inquest, were a contributing factor in the death of Nina de Villiers in my community, for example. You may or may not be familiar with that case. I am rather disheartened and discouraged that the government's position is, "We have an ongoing educational program," and so on and so forth, but in my view we're putting the cart before the horse.

That leads me to my first question. This sort of academic range or training range or experience range presents itself as the first challenge for you in terms of developing compensation packages because you're dealing with such variety. You're not dealing with a professional association which is compact and tight and is being assessed relative to some other comparability. This is a very loosely defined, quasi-political appointment process. It's really quite unusual. Could you first share with me how you intend to deal with this parallel problem of dealing with targeting salaries when we have clearly identified independently in this province that we have a serious problem in terms of qualifications?

Ms Davidson-Palmer: I think one of the difficulties with this particular position is that it is defined legislatively in exclusionary terms. It's defined around what they may not do as opposed to, in a sense, what they do. In compensation terms, it's important to define what people actually do and what the qualifications are that they're actually bringing to this. So I think one of the things that has to be addressed here is what the basic qualifications are or at what point you expect these people to be fully competent and to be knowledgeable

about whatever range of knowledge and so on.

Mr Jackson: Are you going to deal with that issue in your report?

Ms Davidson-Palmer: It has to be looked at in terms of defining what the job is.

Mr Jackson: Will you be doing a Hay evaluation system or some other variation of that?

Ms Davidson-Palmer: I wouldn't necessarily see using a Hay evaluation system. I think there are many different types of evaluation systems and that's—

Mr Jackson: The principle around a Hay evaluation system is—

Ms Davidson-Parker: It's a point factor system which is—

Mr Jackson: Are you going to be looking at that kind of an—obviously, you're going to be interviewing a cohort group in various corners of the province and you're going to be—

Ms Davidson-Parker: Right.

Mr Jackson: What kind of assessment tools are you anticipating utilizing?

Ms Davidson-Palmer: I think what has to happen initially is to identify what the relevant factors and subfactors are in this particular job, so that in determining the specific type of job evaluation method that would be used, you would have to address what kinds of factors are there. Hay has some very specific factors and they may or may not apply that well to this type of position.

I think that's something that certainly needs to be looked at, obviously, how these jobs are going to be evaluated, because in the previous setting it was done in it was largely a market survey and went to market and placed them in between, rather than looking at some sort of evaluation of that position relative to other positions. All of this has to be examined.

Mr Jackson: I appreciate your candour with reference to the exclusionary versus the inclusive nature of the legislation. In my view, that's really where we should have started with this group and not sort of rushed into the compensation component. I haven't found a citizen in Ontario who's satisfied with his or her compensation. I'm still waiting to find one, and when I do I'm sure it won't be a justice of the peace.

Ms Davidson-Palmer: I think that a good compensation system has significant impact in terms of the motivation of people, in terms of the performance of people and so on. It really is a very important piece in that whole equation of getting a qualified and competent workforce. People feel they're underpaid if they feel that somehow they're being mistreated relative to other people, and then you have difficulties. However, I do accept your point that there are very few people who feel they are appropriately paid in any occupation.

Mr Jackson: My concern emanates from this notion, that I know of justices of the peace who are eminently qualified and I know others who are, on a daily basis, stretching it to embrace fully their responsibilities and it shows. In my view, that's a more critical public policy issue. Compensation can be dealt with in a lockstep

method using professionals such as yourself, but the government, whatever government, is impeded by the notion that we're going to set a standard of compensation without a standard of conduct, and that concerns me.

Ms Davidson-Palmer: I think the job has to be described.

Mr Jackson: I guess just finally, there's been a lot of controversy about judges losing their positions because of inappropriate courtroom conduct. As compensation rises that becomes a more critical issue, and the loosely defined confederation of employees, in this case justices of the peace, would have some strong views about issues around workplace harassment and inappropriate conduct. But it is resulting more, through the court of public opinion or through legislation, in automatic dismissal.

Ms Davidson-Palmer: Right.

Mr Jackson: Will you be dealing with issues around that and/or its impact or factoring in term of compensation? I know that's done in some organizations—physicians, in the legal community. There is some factoring in to the notion of automatic professional job loss.

Ms Davidson-Palmer: Yes. That type of situation is not really part and parcel of a review of compensation. However, there is the general question of performance which could come into an examination of whether or not you have performance pay. In the last few years we have sort of gone away from performance bonuses. Because of the recession, there simply isn't the money to make those things meaningful. The issue of performance in terms of total compensation can be built into it—

Mr Jackson: That's what I thought.

Ms Davidson-Palmer: —but the guidelines in terms of what you would deem to be totally unacceptable behaviour I think are apart from the work of this particular commission.

Mr Jackson: Thank you and good luck.

The Chair: Thank you for your appearance, Ms Davidson-Palmer, before the committee.

The committee recessed from 1215 to 1405.

SHIRLEY ANNE CLEMENT

Review of intended appointment, selected by official opposition party: Shirley Anne Clement, intended appointee as full-time member and vice-chair, Social Assistance Review Board.

The Chair: Ms Clement, if you wish you may make a brief opening comment or we can just start in rotation with questions from the members.

Ms Shirley Anne Clement: Please feel free to start.

Mr Cleary: Welcome to the committee. Local administrators and local municipal people tell me that they're very frustrated that they might turn someone down and then it would go to the review commission and be approved. Would you like to comment on that?

Ms Clement: The appeal process is written into the legislation, and I think it's important that any time a decision is made by the appeals review board that the decision reflect the merits of that particular case and that it be made in accordance with the provisions of the legislation. It's my understanding from reviewing the

statistics issued by the Social Assistance Review Board that about 50% of the appeals are allowed and 50% of the appeals are denied. So not every case that goes before the Social Assistance Review Board is in fact allowed.

Mr Cleary: Anyway, these people told me that they were just at a convention recently and there was a lot of frustration there and they find it hard to budget with the process in place. Do you feel that they have concerns? Do you feel that that's the case?

Ms Clement: I'm not clear what your question is.

Mr Cleary: Well, they tell me that the majority or a large percentage of the ones they turn down get approved.

Ms Clement: Well, I understand from the statistics issued by the Social Assistance Review Board that in fact that's not the case, that approximately 50% of the appeals that are heard are allowed and 50% are denied, and the decisions have to be based on the provisions of the legislation and the merits of each individual case.

Mr Cleary: How do you feel about some of the younger people who are getting approved for social assistance who were turned down?

Ms Clement: My understanding of the legislation is that for applicants who are between the ages of 16 and 18, there is discretion provided for the provision of social assistance. The discretion is exercised in instances where there are extreme cases of need, for example, if there is alcohol abuse in the home or if there is evidence of physical or sexual abuse. There has to be some sort of safety net for those young people, because they're beyond the jurisdiction of the children's aid societies beyond age 16.

Again, the statistics issued by the Social Assistance Review Board indicate to me that not all cases of 16- to 18-year-olds who appeal the decisions to deny assistance are in fact allowed. Again, every case, even in those instances, has to be adjudicated on its own merits and in the provisions of the legislation.

Also, it's helpful to look at decisions issued by the Social Assistance Review Board; you look at the body of jurisprudence and make a determination as to what has been the experience of the board, what is meant by the term "exceptional circumstances" when you're making a decision, what warrants the provision of assistance, what the law requires.

Mr Bradley: Do we still have much time left, Chair? Five minutes? My understanding is, and correct me if I'm wrong, that when it was established—and it was a very good program in terms of meeting the goals that you've mentioned—at that time the person who was going to receive assistance had to prove that there was abuse. Now the government has to prove that there isn't abuse. Am I correct in that? I was having a discussion with my Conservative colleague Mr Jackson on that. Is that correct?

Ms Clement: Well, the legislation requires that discretion be exercised. When you're exercising discretion, you have to look at the merits of the individual case and say, "Is there a reason for this young person between 16 and 18 to live somewhere else other than the family

home?" You look at the circumstances. The kinds of things that you have to be attentive to are allegations of abuse, be it physical or sexual in nature, a family home environment where there is constant use of alcohol or other drugs, a home environment that's not conducive to a healthy lifestyle. But there has to be some kind of evidence when you're reaching a decision; it can't just be on, "I'm not happy at home." You would look at the decisions that have been taken and the kind of evidence that has been considered by the Social Assistance Review Board in rendering those decisions to try and get an idea of the kind of definitions being applied when making a decision to either grant or deny assistance. It's very difficult to generalize in that kind of a situation.

Mr Bradley: Admittedly, it always is difficult to generalize, because we can all think of instances where—as I say, I think the program's purpose is a very good purpose, and it has helped some students who otherwise might not have been able to stay in school, would have had to go to work full-time in fact to continue to exist. On the other hand, I continue to get calls from parents and from teachers who say (a) that they're not showing up for class or (b) they're simply using it as a lever because they don't want the rules at home. Then you get the five of them together and they have a big smirk on their faces. The other kids say: "This is the way to live. Obviously, we'll have a great time, no rules. I can stay out all night and then I can go to school the next day." This is the concern of the parents.

Then there's the ungrateful taxpayers out there who are really pushing this, which is why I always get back—and you can't generalize—to the fact that if it could be targeted appropriately and administered correctly, I think it would have good support. My fear is that if you had a very right-wing government take over, the whole program would be tossed out simply because of the abuses that are taking place. I'll ask you to comment on that.

Ms Clement: Again, in the scenario you raise with respect to school attendance, there are requirements in the legislation that certain criteria be met, and if an individual is denied assistance or their assistance is terminated because they do not meet those criteria, the onus would be on the appellant to satisfy the board that they in fact have met the criteria, either by regular school attendance or that they are looking actively for employment. Whatever the legislation requires, they have to meet that criteria. It's not just a carte blanche grant, saying, "Here's income; you don't need to do anything." With rights come responsibilities, and there are responsibilities spelled out in the legislation.

Mr Bradley: There would be a fear out there—and I think governments try to look for people who can adjudicate in a fair and impartial way—that you could have a situation one way or the other, where you either had people who were denying everything and therefore reasonable appellants didn't get what they deserved, or on the other hand, a government could appoint a number of people who are automatically going to be sympathetic to the appellants, and the floodgates are opened. Municipalities tear their hair out over it because they're told by the government they're supposed to be administering this

carefully, and then it goes to the Social Assistance Review Board, only to have them overrule what the municipality has done to try to meet what the government says it wanted done.

Ms Clement: At the risk of sounding repetitious, I again will cite the statistics from the Social Assistance Review Board, that we know 50% are denied, 50% are allowed. I'd like to use an analogy, because it has crossed my mind, and everyone who has had an opportunity to read my résumé knows that my background in large part is in advocacy. If we look at the judicial system, judges are appointed after 10 years of service on the bench, either from the crown counsel or as advocates for criminals or whatever. There has to be experience in the adjudicative process to know what the adjudicative process requires.

Therefore, I think that whoever is appointed—and there's an interview process you go through—you have to know about the system. You have to render decisions that are impartial. Justice not only has to be done; it has to be seen to be done. Your decisions must reflect the merits of each individual case, and they should stand up to any kind of review that occurs.

Mr Bradley: I suppose an observation would be that, again, I have the fear that in Ontario we're going to see what we had happen out west, and that is, when governments change hands we're going to see mass moving of people in and out of positions, even in the civil service, let alone in agencies, boards, and commissions. I would say that in the best of all worlds a succeeding government should be able to live with most of the appointments that a preceding government has made, whether it's in terms of the civil service or commissions. My problem is that if we see people moving in who are all on one side of an issue, this may not happen. So I guess the best answer to that is, "See me in action; make your judgment." Is that fair?

Ms Clement: Well, again, because of the interview and selection process, I like to believe that I was chosen for my skills, not as an advocate but to have the capacity to be an impartial decision-maker. I would invite you a few months from now to look at my work. I feel very strongly about my professional skills and qualifications.

Mr Sterling: I'm intrigued by the 50% figure which you've used now three times. It's my understanding that a person can appeal to the Social Assistance Review Board as many times as they might wish. Is that correct?

Ms Clement: Well, in order to appeal, there has to have been a decision made.

Mr Sterling: Yes.

Ms Clement: So the decision would have been made either at the initial level—the second type of appeal that might occur is on reconsideration, but those cases are heard only in very exceptional circumstances. There would have to have been an error in law or fact.

Mr Sterling: So the 50% refusal would include, in some cases, some case which has been heard twice or thrice?

Ms Clement: Twice possibly, I believe, if it's gone to reconsideration.

Mr Sterling: That would count as two, then, wouldn't it, in the refusal?

Ms Clement: I don't know how the statistics were compiled, I'm sorry. I can't answer your question in terms of what those percentages represent. I should have brought the report with me. But in looking at the decision-making process at the board and looking at the statistics that were offered by the Social Assistance Review Board when I applied, my understanding was that the win and loss ratio, or the allowed-denied ratio, was about the same. So I think it would be not correct to say that all cases are allowed or all cases are denied.

Mr Sterling: The rules are pretty clear in terms of who qualifies and who doesn't qualify for social assistance. Is that not correct?

Ms Clement: They're fairly clear, with the exception, again, I think, of the 16- to 18-year-olds. Because the legislation allows for the exercise of discretion, it really is a judgment call in that area. That's probably why that particular category is more problematic. That's my suspicion. It's been a number of years since I've worked in that area, so I can't say for sure, but I know that the regulations and the legislation itself spell out certain criteria. There has to be a need, you have to fall within a certain category in order to apply and qualify for assistance and then the decision is made to either deny or to grant. There have to be reasons that the denial occurs, and those are the reasons that are examined.

Mr Sterling: Do there have to be reasons when you give?

Ms Clement: Pardon?

Mr Sterling: Do there have to be reasons when you grant the appeal?

Ms Clement: Oh, yes, and the reasons would have to reflect the provisions of the legislation as well as the jurisprudence, the body of decisions that have been made previously by the Social Assistance Review Board. They're often very helpful when you're looking at areas of definition or areas of clarification. What has been the past practice within the last 10 years? Those decisions are kept. It's like any body of law where you're looking at the decisions of the courts to be reasoned in terms of, how are these decisions arrived at, how have they interpreted the legislation?

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Mr Sterling: I find 50% an absolutely astounding high figure in terms of allowing appeals. I find that unbelievable. I would have thought the figure should have been around 10%. Either one of two things is wrong: number one is the appeal board being far too lenient or, number two, the system is amuck and it's not clear enough as to what is happening. I just find it astounding that you have a 50-50 chance of reversing what the system says to you if you go to appeal. Don't you find it amazingly high? Shouldn't the system be fairly clear as to who gets and who doesn't get and the social worker's word taken or the teacher's or whatever?

Ms Clement: I think that's why we have an appeal process in the first place: because it isn't always entirely clear.

Mr Sterling: The question is about the percentage. You view it not as being too high?

Ms Clement: In terms of my knowledge of other appeals—

Mr Sterling: You see, my concern on this is that appeal tribunals are sometimes accused of generating their own work. Okay? How do they generate their own work? They start to be very, very gracious about giving out favourable decisions. That's why I have a concern about your tribunal. If you're giving 50%, you're attracting just about everybody who is given a decision to appeal. Does that not make sense to you?

Ms Clement: It's not my understanding of why a board would exist. I think it's important in any system where decisions are made that there be an opportunity to challenge those decisions. In terms of whether it's too generous, in terms of looking at the decisions, they're reasoned in terms of what the legislation provides and what the merits of each individual case are. I can't say that they're too generous or that they're not too generous; I don't know without reading every single decision, but I trust the decisions that are made to be sound ones. They are open to judicial review if they are erroneous. If they're flawed, the courts can look at them.

Mr Sterling: Flawed on a point of law, not on the weight of the evidence. You weigh the evidence, and you make that decision. In terms of appealing anything above you, there's a very minor opportunity for either side to switch it at that stage of the game. Is that not correct?

Ms Clement: Yes, there is an opportunity for judicial review if there's a clear error. But you do have to exercise judgement when you're making a decision, and you have to look closely at the evidence and the merits of that evidence.

Mr Sterling: Well, you're going to be very busy as long as the percentage is that high.

Mr Jackson: I'd like to ask the question from a different angle, but it's the same question, and that has to do with: What does that tell you about either the decisions being made by Community and Social Services or decisions being made by municipalities, that they are generating such erroneous case management that they are coming to you and succeeding, in your mind, to reverse an inappropriate decision by one or either of those levels of government?

Ms Clement: These are my own very personal views, but I suspect that in part there are a number of reasons that the increase in appeals has occurred over the last number of years. Certainly, one is the recession; a greater number of people qualifying for social assistance earlier on. With changes to other legislation, it results in an influx of applications for general welfare assistance. The system is hugely overburdened. The case loads for people who are administering the system are phenomenal.

Mr Jackson: But you appreciate that everyone here, from all three political parties, is keenly aware of the stress and burden, both financially and on human resources.

Ms Clement: Right.

Mr Jackson: My question to you is: What does that

tell you about the declining quality of decisions being made by Comsoc employees and municipal employees who are administering social assistance in Ontario? Numbers are numbers, and policy changes are policy changes. I'm simply saying that this huge increase in the number of appeals that you're apparently determining were inappropriately handled by those levels of government, what does that tell you about the quality of work being done on social assistance before it gets to you?

Ms Clement: To me, on the surface it appears—and, again, it appears; I haven't had enough direct input or knowledge to know for certain that my opinion is the correct one, but I would suspect that there isn't sufficient time to examine the information needed to make a decision about entitlement, whether it be with respect to questions of assets or economic need or whatever criteria, job searches if it's general welfare assistance. All of that information may be brought to the appeal where there hasn't been an opportunity to do it before the appeal is launched. So there are not sufficient resources, I don't think, to gather enough information to make a sound decision in terms of eligibility.

Mr Jackson: Has the presence of legal counsel been a determining factor in terms of being able to assemble those items on behalf of the client? Is that a major determining factor?

Ms Clement: I really can't answer that because I don't know what the Social Assistance Review Board's experience is in terms of the assistance of legal counsel. I think that anybody who's familiar with the legislation would be better versed in terms of knowing what's necessary to appeal a decision that's been made in terms of the kind of evidence that's made or the questions that need to be answered in looking at the decision and the correctness of that decision.

Mr Jackson: Aside from your identification of the pressures on time and the quality of decisions made by ministry staff, what other factor do you consider significant in terms of the reason for the turnaround in decisions and the high ratio of reversed decisions?

Ms Clement: I honestly can't say any other factors that I'm directly familiar with.

Mr Jackson: Finally, do you support the necessity of the implementation of professional accreditation for social workers, since they have such a huge impact on social assistance and social assistance implementation in Ontario?

Ms Clement: The accreditation of social workers? Okay, I'd like to speak to that.

Mr Jackson: By legislation. I notice from your résumé that you had some interest in this political issue and I just wondered what your views were, since as a member of the board you will be overseeing a certain amount of the activities in terms of your own human resource matters.

Ms Clement: First of all, most of the case workers who are employed to administer the social assistance system are not social workers in terms of the understanding of social worker that I would use as a professional social worker. In the quality of decision-making, I don't

think it's necessary that they be social workers, but that they have a good, sound knowledge of what administrative law requires in terms of evidence and the requirements of the act and the regulations.

In terms of the accreditation of the profession, I feel very strongly that it's important, but for reasons totally unrelated to social assistance. The best example I can use there is that someone who is holding themselves out as a private practitioner need not have any kind of professional accreditation, so ex-offenders may hold themselves out as youth counsellors, and that deeply concerns me as a social worker.

The Chair: We have three government members: Ms Carter, Ms Harrington and Dr Frankford.

Ms Carter: Could you give us some idea, quite briefly, of the process by which you were chosen for this appointment? We did touch on it very, very briefly, but we didn't really go into it.

Ms Clement: Certainly. I applied to the Social Assistance Review Board after reading an advertisement. It was 1987, I believe. I had worked in the system at that point for about three years as an advocate and was very interested in becoming a decision-maker. I greatly love administrative law and thought that I could offer a contribution. I wasn't selected and it was my understanding at that time the reason I wasn't selected is because they really did require a francophone candidate for northern Ontario. I asked that my résumé be held on file so that if there were opportunities in the future, I would be considered.

As I understand it, my application was pulled from the data bank when there were openings. I resubmitted an application in I believe March or April of this year and submitted an updated résumé because my skills and experience had changed somewhat since then.

The interview process was fairly arduous. There were four people present. It was very analogous to what we go through in the public service, and I had just recently been a manager with the office of the worker adviser and so was familiar with the interview process. As well, there was a written test. The written test consisted of writing a decision based on a case fact and looking at the provisions of the legislation with reference to that particular case. That's the process I went through.

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Ms Carter: So it's been quite rigorous and also you have been interested in doing this for quite some time. It does seem to me that you're very well qualified for this appointment. I just wondered if you could tell us about some of your recent work with social assistance recipients, which is obviously very relevant to this.

Ms Clement: My most recent involvement with social assistance has been primarily in making referrals of injured workers, because I've worked as an advocate for injured workers exclusively since 1987. Very often the clients that I work with find themselves in a position of not having any income. The other thing I've had to do, and my record will stand very clearly on this, is where they've had to apply for interim assistance, to make it very clear to those individuals that if we are successful in

appealing the workers' compensation decision, they would have to repay it. Most of the applicants sign waivers so that recovery can be made at the time the appeal is heard and benefits are granted.

I've also had to stay aware of what the changes are in terms of the type of assistance they may qualify for, because sometimes the spouse may be working and having a minimal amount of income, and also needing to know about special assistance if they're a disabled individual, knowing what may be there in terms of special assistance either for medication or for assistive devices to help them with their handicap.

Ms Harrington: Thank you very much for coming. I understand you don't live in the north any more. Are you in southern Ontario?

Ms Clement: No, I don't. I relocated to London, Ontario, in November 1992. I saw it as offering more professional opportunities. I had had an interest in returning to law school and in fact had made application to law school in the spring and had seriously considered going back to school, but then this opportunity came along and I decided it is the kind of career challenge that I'm ready for at this point.

Ms Harrington: I see. I think we all are very concerned about social assistance and its role in our society because traditionally it has been, I think, a cycle, a difficult thing for people to break away from. It's part of our society that I think we as legislators want to change. Personally, I believe we are in the midst of a massive change in the attitudes of our society, and that is towards equity in seeing that you can't categorize people, that you have to give equal opportunity to people and eliminate restrictive traditions. I think that's obviously what we're in the middle of now with employment equity and a whole lot of other issues.

Actually, I have two young people in my family, a girl who's 18 and a boy who's 22 now. From knowing them and their friends, you appreciate some of the problems that my colleague's just talked about, that it can become an abuse, and on the other hand it can become an essential part of a young person's life to get away from a terrible situation. So I certainly don't envy you in that decision-making role, but I see young people as the key to whether or not they go on social assistance, their attitude towards it and the role of the people in the system, how they deal with recipients. It's important that if young people go on to the system, they don't stay on that system, that it doesn't put them down, that they in fact learn that this is a temporary measure; this is a stepping stone to something else. Anyway, enough of that.

I wanted to ask you what your vision is of the social assistance system, what it should be or could be, if you could help us.

Ms Clement: I think there will always be a need for a social assistance system. We live in a democratic society that requires the provision of a social safety net. However, we also now live in an economic time where we're all learning to have to do more with less. I think that as the system is moving towards change, the key component is movement towards employment, full

employment, in this country. That would be the ideal, but there are always going to be those individuals who require support either because of a disability or other situations over which they have absolutely no control.

The manner in which the system is revised—I don't know what it's going to look like in a year, two years, five years from now. I know that the federal government is looking very closely at the whole of the social system to see what the safety net should look like, to look at where there may be redundancies, to look at working more collaboratively to avoid duplication. I think that's going to be a long, slow process.

In my recent graduate studies, we looked very closely at social policy. There are so many layers and implications when you look at changing social policy that it's important to have a really full hearing from all of the affected parties. I think before any change can occur, everybody's voice has to be heard in terms of making changes, what the implications are for government, for individuals, for society as a whole. My own view is it would be wonderful to have full employment. I think that's the best answer.

Ms Harrington: I certainly would agree with you. Lloyd Axworthy is in fact coming to Niagara Falls this week to speak about the future changes in social assistance, so I hope we'll get on with it as quickly as possible.

Mr Frankford: Could you perhaps comment on the extent to which the need for prescription drugs and assistive devices and other health services influences people being on social assistance? Any thoughts you have about changes which could be introduced in Ontario?

Ms Clement: Just a personal thought. It's my understanding of something that is occurring recently, and that is a program by the Ontario pharmacists looking at prescription drugs to ensure that there isn't abuse. I think that's a very good system, particularly as our population ages, and there may be assistance through various programs for prescription drugs. I think that's good not only in terms of the best use of the resources, but also for the health of the individuals requiring prescriptions and assistive devices. I hope that answers the question.

Mr Frankford: I guess I was thinking that there are circumstances in which the cost of prescription drugs is really the driving factor to get on assistance.

Ms Clement: That's my understanding where a nominal amount of assistance may be available; for example, for the working poor, someone who doesn't have any kind of plan where they're employed, but may require it, for example, if they have a child who's asthmatic and prescription drugs are \$200 or \$300 a month. While they may not qualify for social assistance in terms of a monthly income, they certainly need assistance in meeting that child's needs.

The Chair: Thank you, Ms Clement, for your appearance before the committee this afternoon.

DIANNE CRAWFORD

Review of intended appointment, selected by government party: Dianne Crawford, intended appointee as member, Peterborough Police Services Board.

The Chair: Welcome, Ms Crawford. If you wish, you may make a brief opening comment, or we may just start in rotation from the committee members.

Mrs Dianne Crawford: I guess I would just like to share how delighted I am to be here today. When I first saw the advertisement in the paper, I felt strongly compelled to apply and I've really enjoyed the process so far.

The Chair: Good. That's great. The government party, Ms Carter.

Ms Carter: I would like to welcome you to this committee, and I'm looking forward to having you on the board.

Mr Bradley: Oh, you're presuming. How presumptuous.

Ms Carter: You know what the statistics are—

Mr Bradley: About 100%.

Ms Carter: —about how many people we turn down here. But I just want to say that of course I know you in your work capacity as assistant administrator at Marycrest Home for the Aged. Of course, during my time in this job, I've been into quite a few homes for the aged and I've been involved in issues concerning them. I think Marycrest does the best job on the least amount of money that I've come across as far as I can make out. Certainly you manage on a very small per diem amount and there's always a very good atmosphere whenever I go to Marycrest.

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I know that you're involved in budgeting and I know that the police services board is looking forward to having somebody on there who is able to do budgeting. I think you're going to be that person, and you seem to me to be very well qualified for that. I was just wondering what ideas you might have as to how you can help the police services board be wise as far as budgeting goes and perhaps what some of the priorities are as to where you think there might be cuts and where you would resist in making cuts.

Mrs Crawford: In half an hour?

The Chair: Or in 10 minutes.

Mrs Crawford: Well, Mrs Carter, I think there has to be a balance in budgeting. I appreciate that the taxpayers in the city of Peterborough are telling all levels of government that they're tired of increases in taxes. At the same time, that has to be weighed against community need, and I certainly see police services as a vital service. I would commend the present administration and board for the cuts they've made with regard to social contract and general budget restrictions, but I guess I also fear that there might be a limit as to how much you can cut without severely affecting the service that's delivered.

So I would certainly offer my services on the budget committee. I would be prepared to go over and once again sit before city council with a budget. I do take an interest in that and think I bring some experience. But I don't have any agenda where I'm going to go in there and cut anything or change anything in a hurry. I need to learn a great deal and I'm looking forward to that budgetary process.

Ms Carter: Okay. Thank you. I do note from the materials that we've been given in connection with this interview that the crime rate, if you want to call it that, in Peterborough does seem to have been going down, and since the number of cases solved has stayed fairly steady, that means that a larger proportion are getting solved. So that looks as though somebody is doing something right.

Mrs Crawford: Yes. I brought along a recent article from Peterborough this week noting that the 1994 crime rate to the end of July compared to last year at this time is down 10%. So I'm coming on at a good time.

Ms Carter: We have all this talk as though things were getting terribly worse all the time, yet when we look at the figures it doesn't seem so. But maybe, as I said, we have been doing something right and maybe one of those things is more community-oriented policing where the police get in touch with people and make friends instead of just appearing in a punitive guise. I was just wondering if you have ideas on that, on community policing and how the police should relate to the public.

Mrs Crawford: I did make an appointment to speak to the chief and I asked him about the history of Peterborough community police services. I guess I do really believe that it's important for the police and the community to work together to better police services. I see it as a bigger subject than strictly maintaining the law: doing some preventive stuff, getting out into the schools and doing the educational programs, and being on a lot of the committees, race relations committees and violence protocol committees, those kinds of things. That would be helpful.

Ms Carter: And do you see them as doing a reasonably good job on that already?

Mrs Crawford: I really do. I'm impressed with the Peterborough police; I really am. I think the current administration has come a long way. I haven't maybe been as involved with them as when I worked for the city, but the changes I've seen have been certainly very positive ones: community outreach, employment equity, a lot of positive things—computerization.

Ms Harrington: A quick question. When you first sat down, you said that you saw the ad in the paper.

Mrs Crawford: Yes, I did.

Ms Harrington: And that you immediately applied.

Mrs Crawford: Well, if this doesn't sound like me, I don't know who it does sound like. "Candidates should have an understanding of policing issues, experience in policymaking and budgeting, some volunteer involvement in community organizations and knowledge of the Peterborough community." I understand you're all given a copy of my résumé and covering letter. I tried to point out in that covering letter that I do have community involvement. I've been in Peterborough 22 years and I've been very involved in the community. I certainly have had a lot of experience, 25 years' experience now, in budgeting and policies and procedures.

Ms Harrington: So when you saw the ad, it sounded like you.

Mrs Crawford: It did. It sounded like this was something that I could give back into the community.

Ms Harrington: It's just that I wondered what there was about police services that particularly attracted you. It's just the involvement with the community, I guess.

Mrs Crawford: Well, it would be a new area for me to explore after social services and after long-term care and being quite involved with the college over the past 20 years and various boards and committees. So I thought it would be a new area to get into and to bring the community's side into police services. Again, I see myself as a community representative on the police board, not an ex-constable or somebody with a lot of police experience, but bringing that community on to the board. Also, to be honest with you, I thought there should be another woman on the board. I'm glad we have one woman at this time. I don't think two would hurt.

Ms Carter: Absolutely.

The Chair: Are there any other government members? There are four minutes left.

Mr Waters: Another thing in the research that I noticed, and they suggested that we might ask you for a comment on it, is gun control. It's interesting, because I come from a riding where having a gun in your house is considered a right. I think probably some 80% of the people within my riding have hunting rifles and shotguns in their homes. I guess the question is, what's the situation in the city of Peterborough, if you could comment on it or if you're aware, and indeed how you feel about gun control? What would be your suggestion on how we deal with the problem?

Mrs Crawford: I'm sorry, I feel very uninformed about this particular subject. I don't know what the situation would be in Peterborough. I know when they've had those two amnesty occasions and people could hand in firearms without any charges, there certainly has been a tremendous response. So obviously people have some guns in their homes.

I don't personally like firearms. I have a fear of firearms. I wouldn't want one in my house. I think they're dangerous. I think they should be controlled. At the same time, I don't have an answer how you deal with hunters and people who think they have a right. I suppose they have a licence and they have to pass exams, but this isn't likely the element we need to be worrying about. It's how do you keep illegal arms out of the reach of people who potentially could cause the problems, and I don't have an answer to that.

The Chair: Any other government members?

Mr Cleary: Welcome to the committee. Is employment equity a problem in Peterborough on the police force?

Mrs Crawford: Is it a problem?

Mr Cleary: Yes.

Mrs Crawford: Well, we have 103 sworn officers at this time; 10 are female. That's only 10%. If the population is about 52%-48%, then I guess there is a problem with employment equity in Peterborough. However, I would say that they've come a long way. I know for a fact 15 years ago there was an unwritten policy at the Peterborough police station that they just didn't interview women and they never hired them. So they now have 10

excellent female constables, and with the current act, there'll be more.

Mr Cleary: Do you have an auxiliary police force there too?

Mrs Crawford: No, not that I'm aware of.

Mr Cleary: Do you think there's room for an auxiliary police force?

Mrs Crawford: I'm sorry, I couldn't answer that question.

Mr Cleary: I take it that you will have three provincial appointments?

Mrs Crawford: Yes, the five-member board, three provincial and two city.

Mr Cleary: I guess following some of the conventions, some municipal people would like to see the breakdown of the police commission reversed so they would have more control. What are your views on that?

Mrs Crawford: I don't have a problem with the present breakdown as long as those members truly represent the community. As I said, that's one reason I'm here. I suppose the municipality has a concern, because they feel they pick up a large portion of the budget. Even when I was a municipal employee, I remember the mayor and some politicians voicing concern. They just felt they were a rubber stamp when the budget came in front of them, that they had to provide the money for the services, where if they had a larger proportion of members on the committee, I suppose there would be an impression that they might have a better chance of watching the expenditures.

I guess I would think that I could fairly represent the municipality too. I was one of their senior employees for a long time and I handled a very big budget.

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Mr Cleary: Every time we turn on the TV or the radio or read the paper, we hear a lot about use of force by police officers. Is that an issue in Peterborough?

Mrs Crawford: No, it doesn't seem to be. Very few complaints: 28,000 calls last year and 32 complaints, so there doesn't seem to be much criticism against the police force and much evidence of a lot of force being used or being necessary.

Mr Cleary: We hear them talking about issuing new weapons to police officers. Do you think that's necessary in Peterborough?

Mrs Crawford: Very, and it's going to happen. In fact, it's in the budget and the officers, as of last month, have started to take the additional training and will be issued the semiautos and also the new armour.

Mr Cleary: All right. It's all yours.

Mr Bradley: Okay. My question would deal with just an interesting thing I wanted to follow up on. You said you thought there was a need for another woman on the police board. Why did you say that?

Mrs Crawford: Well, if we believe in employment equity, then we can maybe spread it beyond employment situations and look at appointed positions too. If women make up more than 50% of the population, perhaps they should be better represented on all committees and boards

and employment situations. I think that we do bring a different perspective.

Mr Bradley: See, I would say that to me there should be three or five women, if you want, but I always get a little queasy about people saying, "We've got to have so many women on," as though that makes the board, and then you start getting—not in your case, obviously, from your credentials, but you start putting people "because we've got to have a" whatever "on." As I say, my view would be that you should have five. If you have five—

Mrs Crawford: If they're the best candidates—

Mr Bradley: If the five best people are there, let all five be women.

Mrs Crawford: Philosophically, I agree with your position. I think employment equity has a role to get us to where we should be. But if it means that the best candidates are always overlooked and if it means today in Ontario that white males who are well qualified can't buy a job, then that's unfortunate.

Mr Bradley: I don't know what the toughest bar is in Peterborough because I haven't been in any bars in Peterborough that I can remember, but do you believe that a police officer should be able to break up a brawl in the toughest bar in Peterborough?

Mrs Crawford: Yes, I do, but I wouldn't send them in lone-handed. I would make sure he had a couple of buddies with him.

Mr Bradley: So then you would want to ensure that all candidates who would be candidates for a police officer position would be able to break up that brawl?

Mrs Crawford: That's right.

Mr Bradley: That's good to hear too. Sometimes when I ask commissioners that, they say, "No, they should be able to write tickets or something," but not necessarily break up the brawl. That's interesting to hear that as well.

I was also interested in your reaction to the police getting bigger guns and all that.

Mr Jackson: Can we rephrase that?

Mr Bradley: Better guns and so on.

Mrs Crawford: I just think we should send them out there with the best equipment and the best training that we can find the money for.

Mr Jackson: Good for you.

Mr Bradley: You can remember the days when the police would show up at the domestic battle and then they wouldn't lay charges because by the time they got there—and this usually was a situation with the wife—the wife or the spouse was so intimidated or for some reason didn't want to press charges, and then the police started to press charges after a while regardless of that. What is your general view on that? Should they automatically press charges, or what should happen?

Mrs Crawford: Yes, I think they should. I can understand why some wives are afraid to, so I think that if the evidence is there, certainly the police should. I understand the new policy on domestic violence in fact assures that's going to happen, but Peterborough's had that kind of a policy for a long time. If the evidence was there, the

charges had to be laid. Also, I just wanted to inform you that there's a new position in Peterborough, wife assault coordinator, so that there's someone specially trained to assist women who are having domestic problems.

Mr Jackson: What gender?

Mrs Crawford: It's a male.

Mr Bradley: Should the police automatically assume when someone claims violence, in this case, let's say kids—it could be of various ages—should the police effect an arrest in these cases when the kid says, "I just got beat up by my father," or mother etc?

Mrs Crawford: No, I think the important thing here is evidence, not hearsay and not getting in the middle of some quarrels, but thoroughly investigating, getting all the facts and then making a decision.

Mr Bradley: What about police chases?

The Chair: Thank you, Mr Bradley.

Mr Bradley: Very good answers.

Mr Jackson: I concur. I haven't even asked you a question. I'm very pleased with your answers so far. But on the same line of questioning, right now you would be aware that the SIU has certain authorities to investigate officers, and the police officers in this province have expressed concern that there's a double standard, that they do not have the right to protect themselves in those investigations. I wonder if you have any opinions or views on the right of a police officer or an employee to have legal counsel, or if they're automatically impelled through legislation to present immediate written deputations.

Mrs Crawford: I guess I'd like to see a balance. If any other witnesses are available to testify, use the other ones. If there isn't anybody else, then yes.

Mr Jackson: That's a very good answer. As you know, Ontario does not have a victims' bill of rights and the evolution of victims' rights has been very slow to evolve. In fact, we're the last province, with Alberta, that doesn't have this legislation in place. However, the Police Act gives a scant, one-short-statement reference to victims or rights. What are your views about victims' services and the degree to which Peterborough, with respect for its size and its resource base—how do you feel about strengthening victims' resources through police services in your jurisdiction?

Mrs Crawford: Okay. September 1, Peterborough Examiner, "Crime Victim Offered Comfort and Practical Help," and now I'm really pleased to announce that in Peterborough city as well as the county, there will be some victim crisis assistance and a referral service available. I would like to see it funded. Even though it needs a solid volunteer base, I think there should be some funding for a coordinator, just to support the volunteers, screen them, recruit them, but this is a good step, I really do believe, towards ensuring there are some victims' services.

I think appointing that one officer for coordinator for wife assault is a good idea. The YWCA in Peterborough city and county area certainly needs to be commended for the services that it's put in place: the Crossroads transitional houses, which I know the city police do use when they need to provide accommodation for some victims.

Mr Jackson: One of the recommendations that was contained in a piece of legislation I tabled many years ago was that victims of sexual assault have the right to be interviewed by an officer of the gender of their choice, and in conversations I've had with police associations and chiefs of police in Ontario, one of the ways of speeding up the employment equity targets is to implement that as a policy, so it becomes much in the way school boards have to protect teachers' positions because of what's constituted as program protection, they can't lay off certain teachers because no one else can provide French, we'll say. Police could act in a similar fashion. My jurisdiction in Halton was the first in Ontario, one of the first in Canada, to embrace this policy, and it has helped them with their employment equity goals.

I wonder if you are predisposed to looking at that as a policy for the police services of Peterborough because there are some concerns about the proliferation of police officers acting in the capacity you've set out, but who have arrived there for a variety of reasons, if I might just leave it at that.

Mrs Crawford: Well, I haven't given much thought to it, and it's likely something that I'm going to have to learn more about, but I guess my first reaction maybe is that I would like to support our chief's position that the constables be generalists, that they all receive adequate training and that they all could respond to certain situations, and that if anyone had a concern they could have another constable, but not necessarily by gender, assigned to support them.

1500

Mr Jackson: There are all kinds of assaults occurring in our communities, and domestic assault certainly is one of the most serious forms of it, but I appreciate that you've highlighted that as a priority area.

Finally, if I may, a question around seniors. I'm intrigued and pleased about your background because there are two areas of serious crime in this province around personal assault, and elder abuse is one of them, which we're now just scratching the surface of. Some are saying that we're today at elder abuse where we were 12 years ago with domestic violence in this province.

Are you familiar—and if you're not I'd like to send you some material—with a new program we developed in Halton called SALT, which is Seniors and Law Together? It's quite an involved community-based program. I would certainly hope that because of your particular expertise and interest undoubtedly, and your exposure to elements of it in an institutional setting, which you would not have escaped if you've worked—and I notice from your résumé your background in that area.

This is a whole area that's requiring attention, both physical and fiscal abuses that are occurring in the community, and it's a very strong and important role for the police to play and to serve and protect in that. Do you have any comments in that area?

Mrs Crawford: I'd be very interested in receiving that literature, Mr Jackson, if you'd be so kind as to send it to my attention.

Mr Jackson: I have your address. I will send it to you.

Mrs Crawford: Thank you.

Mr Jackson: Thank you very, very much.

Mr Sterling: I just want to wish you all the good luck. I think it is wise to have a significant representation by both genders on all police forces, because I think that one of the things that I've learned over 17 years being in politics is that you need—

Mr Conway: Is it that long?

Mr Sterling: Yes, it's been that long—you do need the point of view of both genders in dealing with the problems.

Interjection.

Mr Sterling: I'm happy that there's more balance coming to the board with your appointment.

Mrs Crawford: Thank you.

The Chair: Thank you very much, Ms Crawford, for your appearance before the committee this afternoon.

Mrs Crawford: May I ask one more question?

The Chair: Yes, certainly.

Mrs Crawford: I know that there is going to be a training session, and maybe it's called a seminar, coming up in early October for new board members. It'll be held in Sarnia. So I was wondering what the process is now. I understand you'll be voting at the end of the day. How long would it be until I receive official notification, because if I am appointed, and I sincerely hope I am—

Mr Bradley: Oh, you will be.

Mr Jackson: You will be.

Mrs Crawford: Thank you.

Mr Jackson: You got 10 out of 10 today, just for the record. I want you to know that.

The Chair: Your appointment becomes effective as soon as this committee votes on—I'm being corrected.

Mr Jackson: Why don't we vote now?

The Chair: I always thought this committee was very powerful. This committee will be voting on the appointments at the end of this afternoon. Nancy is here from the appointments secretariat office, so maybe you could ask her for the rest of the information.

Mrs Crawford: Thank you very much.

REMI LABONTÉ

Review of intended appointment, selected by third party: Remi Labonté, intended appointee as member, Advocacy Commission.

The Chair: Welcome to the committee this afternoon. If you wish, you may make a brief statement to the committee, or as you've been observing, we can just start right into questions.

Mr Remi Labonté: Maybe just an opening remark. I think this legislation is well overdue and I'd like to commend the government for putting it forward.

The Chair: Thank you. We will start this time with the third party.

Mr Sterling: As I explained to another advocacy commissioner, or potential advocacy commissioner, this

morning, I voted against Bill 74, because I view this as an unbelievable intrusion into the private affairs of citizens by the state and equate it to social engineering and think it's very, very dangerous for a democracy or any government to get involved in it.

Mr Bradley: Other than that, do you have any strong opinions?

Mr Sterling: No, I don't have any strong feelings about it.

I'm very concerned about who these advocates are going to be. Because they are going to go out and they're going to have significant power over individuals who are vulnerable in our community, I'm very, very concerned that we have people who are evenhanded. What qualifications do you propose to put forward as a commissioner for an advocate to operate in the province of Ontario?

Mr Labonté: Good question. The way I see it, as our first step as commissioners, if we want to make a guideline on how we're going to train these advocates, we should be looking at all the advocates who are going around the province and pick from all the advocates, people who are advocating, and try to implement the best system possible.

Mr Sterling: But what characteristics, what professional qualifications do you see as being necessary for this job?

Mr Labonté: I don't know, because I do know some very great advocates who are not professional as lawyers or an institution like that. To be an advocate, I don't think you have to be overqualified. I think you have to know the cause that you're advocating for and know the act that represents that cause and just do your work representing your client. That's why it's very hard to tell you if we should all choose a lawyer to become an advocate under the commission. I've got a problem with that, a serious problem. To individualize myself, I don't have a degree in philosophy, but I believe I could be a great advocate on numerous causes.

Mr Sterling: Remi, your response concerns me, because you talk about cause, and that is what I am concerned about, because as far as I'm concerned, what causes are you going to tell the advocates to put forward?

Mr Labonté: I mean by cause, people are advocating out there for many causes. I don't know what kind of term you want to use. I use cause. The best I know is, I've been advocating for injured workers for numerous years, and that's a cause, the WCB. I'm involved in another one too. So I don't know. I call this a cause. I don't know what you want to call them, but I think we're advocating to change those institutions for the better for the people we represent, who are the people that the act's supposed to help.

Mr Sterling: One of the very significant parts is that the advocates under this legislation, of course, are going to be advising people who are vulnerable as to whether they should or should not undertake medical treatment under Bill 109. What are you going to do when you instruct advocates who are advising young women as to whether or not to have an abortion? What are you going to advise them to do in advising this young woman?

Mr Labonté: That's a tough issue, the abortion issue. I don't know. It's a pretty tough one. If the life of the young woman is involved, I think you should advise to get an abortion. If her life is not involved, I don't know, you've got the question of religion involved in there, you've got all kinds of questions. I couldn't answer that question, to be honest with you.

1510

Mr Sterling: Do you think you should have an advocate who believes in abortion on demand?

Mr Labonté: I believe that we should have some very trained and qualified people regarding abortion. That's what I believe.

Mr Sterling: But if somebody comes to you and says, "I'm a member," of either the pro-life movement or the other side of the argument, do you believe they should be disqualified from being an advocate?

Mr Labonté: I couldn't answer that. Sorry, I couldn't answer that.

Mr Sterling: How did you find out about this particular position?

Mr Labonté: This was a very long process and my name was put forward by some group that I represent. That's how I got involved a couple of years ago. This was a very long process that took over two years, and I was very proud to be chosen. I think I can bring something to the commission.

Mr Sterling: Okay. Do you have any idea of what kind of training you will recommend for advocates who are hired?

Mr Labonté: That's a very hard question, because I never had a chance yet to sit with the other people and decide what kind of training we'll be doing. From my point of view, like I mentioned earlier, we should be in contact with all the groups out there advocating for some cause and take their advice and come to an understanding of some kind to put our training forward.

Mr Sterling: Have you any idea how you're going to police advocates? In other words, if an advocate is out there and you get a complaint, for instance, from the parent of a young person who an advocate has advised and the parent is very dissatisfied with what the advocate has done—particularly this will come up almost immediately in terms of schizophrenic patients.

Mr Labonté: Definitely we will have to put in place a kind of even process where those advocates would be accountable for their acts. Definitely this has to be put in place. I don't know how we're going to put it in place, but I know one thing, that I will be pushing for that. Something has to be put in place if an advocate steps out of line that we could—you know.

Mr Malkowski: I just want to follow up with some comments. First of all, I'd like to congratulate you on the appointment. You just talked a little bit about a characteristic being somebody who fights for a cause, and I think that's a real criterion. That's something that we are looking for too. I think you're talking about natural advocates, people who meet criteria such as that, so I think that in fact that was a very apt description. Taking a look at your résumé, obviously you are somebody who

has fought for the cause of various people.

One of the things I'd like to ask you is, when you talk about representation, you talked about fighting for a client, following the instructions of the client. Can you tell me your vision of advocacy? What do you see as an important part of advocacy for vulnerable people? How do you envision the whole process of advocacy for vulnerable people?

Mr Labonté: I think the advocate has to put forward a program that will protect and also advise vulnerable persons of their rights. It's a hard question. That's all.

Mr Malkowski: Okay. Do you feel it's important for vulnerable people to have informed choices, have the information available to them, and as a commissioner, what do you feel vulnerable people need to know in terms of their rights?

Mr Labonté: Yes, I believe all the information should be provided to those persons in any form. If it means in the form of pamphlet or any form, that should be the commission's first mandate, to provide all the information regarding the issue that—

Mr Malkowski: Just for the record, I feel that you're totally qualified for this position and I feel that you do bring a lot of knowledge. Thank you very much.

Ms Carter: I'd just like to follow up, I guess, on what Mr Sterling raised, you know, the whole question of, is the advocate going to be for or against abortion or whatever.

It seems to me this is showing a lack of understanding of what we're trying to do here. There's this concept that the advocate is a tremendously powerful person who is going to manipulate vulnerable citizens and impose their opinions on whatever the situation may be, whether it's abortion or something else, whereas I think the way it's seen, certainly on our side of the House, is as something where what is to be respected is the opinions of the vulnerable person, and the job of the advocate is to carry out the wishes of that person, regardless of whether the advocate thinks they are right, regardless of whether they think that is what is "good for" that person.

I'm just trying to think of a possible case here. You might have, for example, somebody who was pregnant and didn't want to be and was being pressured by one side or the other, whichever, either to have an abortion or not to have an abortion. That person could conceivably call an advocate and say: "Look, can you put me in touch with a different point of view on this or tell me what to do, because I just feel I'm being pressured here." The job of the advocate then would be to find contacts or information that would give that person a fuller picture.

I just wonder what comments you have on this whole view of what an advocate's job is going to be in practice.

Mr Labonté: I believe it's just like you mentioned. If the person is able to express themselves, I think the work of an advocate is to provide all the information, guidelines to the client—I call them "client"—or to the person.

The advocate that we're talking about will be under certain kinds of guideline criteria under the commission. They should be able to advise them the proper way. If

not, they will be responsible for their acts, so I imagine in this case—

Ms Carter: I think we are looking at a basic incomprehension here. I know I was sitting on a different committee that was having hearings on long-term care, and there was one gentleman who had presented and he made some comment afterwards about how, "We're doing everything that's possible"—this was from a care giver's point of view—"we're making sure that everything about the care these people are going to get is perfect, there's quality control, we're upgrading it all the time, we only employ the very best people with the very best qualifications," period. In other words, he didn't see that the crucial thing is that however perfect an operation may be, the consumer always has to have an input. You cannot ultimately decide what is perfect for somebody else and then just impose it on them. To me, that guy just didn't get it, and I think that's part of the problem we're having with advocacy as well.

Anyhow, once this commission gets going, you're going to have a lot of very onerous tasks to carry out. You're going to have to decide what sort of people you're looking for and how they're going to be trained, and I just wondered if you have any ideas on what sort of direction things might move in.

Mr Labonté: Again the question of training. It's a good question. The legislation is a fairly new one. I've just had a chance to review it on numerous occasions, but nowhere in the legislation are they showing us how we're going to train people.

Ms Carter: We don't want to tell you. You've got to decide.

Mr Labonté: I know that, and that's why I mentioned earlier on the only way I believe, and that's my own opinion, is that we should go out there to the public and seek information from the people have been doing it for numerous years. Like, I know if we're looking for advocates for WCB information, come see me and I will give you probably the best advice you could find and probably be some good guidelines. I'd also be able to provide you some guidelines how we should reprimand advocates if they do something wrong regarding this subject. But to be honest with you, I cannot provide you information on all the issues out there. My knowledge is on maybe four or five issues, and that's it.

But I honestly believe, if we want to put a good program forward, go to the public, because they are the consumer and they know the problem. Go directly to the source and they will tell you the problem, and go to the people who represent those people. I believe we could come out with a good training.

1520

Ms Carter: In other words, you're going to keep in touch with the grass roots at all times and not make abstract decisions about what's right and what's wrong?

Mr Labonté: No, no, definitely. I think the source of the problem is right there. Go to the source, go to the consumer, people who need representation and people who represent them.

Ms Carter: So you'll be looking for people who are

able to do that, to keep listening and to keep an open mind. Is that what you're saying?

Mr Labonté: Yes.

Ms Carter: Okay. Thank you very much.

Mr Waters: I guess I'd like to go back to how you got here. As I read in the research material, there was an Appointments Advisory Committee created, and indeed to get even to where you would be short-listed or anything, first off somebody would put your names forward, a group that you've worked with or whatever, and when you look at how the committee or how the commission is structured and what it says about indeed the makeup of the committee, that would have had to have been taken into consideration. So it was a group of people, in your case probably a group of injured workers or something of that nature—and I honestly don't know who that group was—that put your name forward that brought you to the short list which ultimately brought you to here. Is that correct?

Mr Labonté: Yes.

Mr Waters: Okay. Until today, I wasn't absolutely clear on that.

The other thing is, I guess my feeling is that as an advocate, one of your jobs would probably be to empower people, to give them the information and indeed assist them.

I look at some people in my community who are psychiatric survivors. I can think of this one lady. Four years ago, it was difficult for her to go out of her home. Her husband dragged her into my office, and I look for a particular reason, and I look at her four years later—she's been working with a number of community groups, with our local situation as it is. I have Penetanguishene Mental Health Centre next to my riding, so we do have a few things there. I see this woman now, who is very much self-sufficient, has moved out into the community in general and actually has something to add to the community, very much. I guess that's what I mean by empowering people.

Do you not see the commission as something that will bring people along so that indeed, instead of being seen by the majority of society as a cost or somebody who's been injured and is sort of placed on the scrap pile, we can bring these people back into the mainstream and they become assets, where they all wanted to be to start with? Do you not see that that's what your job is as a commissioner? How you're going to get to that—but ultimately that would be what your job would be?

Mr Labonté: Yes, definitely. I think we could get to that by providing rehabilitation or lots of information. If you provide lots of information to people, they're bound to get out of their problem and get better and get on with their life. I've seen that in the past. Like the example you've given, I saw it on numerous occasions.

Mr Waters: I want to be clear on how you get the information to them, though, because not all of these people are capable of sitting down and taking the written word and reading volumes, as we get—our paperwork every day is stacks like this—of information and working that through. I also see this act as having people out there

who can sit down with groups or with individuals and assist them somehow in a personal way of bettering and understanding their rights and indeed that life hasn't come to an end, you're just thrown on the scrap heap, that there is a future for you. In some cases, that means an individual discussion with a person to help them, but you can't always do it in the written word. I just wanted to make that comment and ask if you had anything that you wanted to add after.

Mr Labonté: Yes, you're right. On many occasions we cannot directly bring the information, but to the best of my knowledge, I think there are ways of communication out there for any disability that I know of, so I think it's a question to use those tools and we will reach those people. To give you an example, for deaf we could use sign language, blind we could use Braille language.

Mr Cleary: I just have the one question for Mr Labonté. The definition of vulnerable person contained in the legislation, Bill 174, how do you intend to ensure that this will not lead to extremely high implementation costs or probably service inadequacies or potential abuses of authority granted to advocates under the proposed legislation, 174?

Mr Labonté: Sorry. I didn't understand the question.

Mr Cleary: You understand vulnerable people?

Mr Labonté: Yes, no problem.

Mr Cleary: The definition of vulnerable persons contained in the legislation, how do you intend to ensure that this will not lead to extremely high implementation costs? There are three parts to it.

Mr Labonté: Definitely I think the commission will have to make some guideline of some kind so that those people are not abused.

Mr Cleary: How about service inadequacies?

Mr Labonté: Same thing. I think a guideline will have to be put in place that service will be provided to such an extent, and I don't know which extent. I don't have a clue.

Mr Cleary: What about potential abuses of the authority granted to advocates under the legislation?

Mr Labonté: That question always comes along. I had it on numerous occasions last month. The only answer I usually give to a colleague who asks me that question is that there will have to be in place a kind of even process. A straight way of saying it is the advocates will have to be accountable for their acts, simple as that. Finally, maybe in one institution somebody will be accountable for their act. The most I know, nobody is accountable for their act.

Mr Cleary: Were there lots of people asking you the same question?

Mr Labonté: Yes. That question, and it's very hard to answer and I don't know the answer. The only answer I've found is that people will have to be accountable. I don't know how many advocates the commission will put forward, but those advocates will have to be accountable for their acts and that will have to be clear in the guideline when they are hired that those things are said.

Mr Conway: Mr Labonté, I'm happy to see you and

interested in your responses to my colleagues. I look at your résumé and you have clearly got a breadth of experience that I think will certainly give you a good background for the task at hand.

I share some of Mr Sterling's concerns about this whole business, and of course one doesn't know how to verbalize those concerns because it's very politically incorrect to do so. I think this is going to be an extremely sensitive and potentially explosive issue facing the community. I recognize from fairly long years of experience both as a legislator and just as a citizen, some of the problems that have brought us to this point. I don't doubt that everybody's going to be operating with the best intentions, though I think we're going to find some very conflicting views of humanity and government and the relationship between citizen and government.

I listened to the member for Peterborough. She's a bright, well-intentioned individual but I just don't see the world the way she sees it. She's probably more right than I am, but I have seen some cases where government advocates—the public trustee comes to mind, but there are others. There has been a real proliferation, I might add, of government advocates at a whole variety of levels in the last 20 years. Sometimes the results are not bad; sometimes the results are just unspeakably counter-productive. It seems to me that much of that has to do with the sensitivity of the person doing the intervening and the acceptance of the community about the need for the intervention.

1530

I think I have to agree that there are some scandals, cases, that cry out for action, and the current government's response has been the Advocacy Act with the attendant commission. The chair of the commission I know well. He is a very interesting fellow. I've been watching the room today and I'm going to ask you a question that is not impertinent, but you might find it a bit impertinent. Do you know David Reville?

Mr Labonté: I met him for the first time half an hour ago. I never saw him before.

Mr Jackson: And what do you think of him?

Mr Labonté: Do you want me to answer that?

Mr Conway: I know David very well and I've worked with him, but I look at this panel and I look at the mandate and I can just imagine the fervour with which some people are going to go about this task, because of very deep personal convictions.

I'm just thinking, given the mandate of the commission, what are we getting here? I don't know. I don't really want to maybe say any more than that, but I guess good luck. I expect members of the next Legislative Assembly are going to have quite a bit of business in this respect.

Mr Malkowski: What's the point of your question, Mr Conway?

Mr Conway: Thank you very much.

The Chair: Mr Bradley, four and a half minutes.

Mr Bradley: My question is, have you ever been a member of the New Democratic Party?

Mr Labonté: No.

Mr Bradley: Never?

Mr Labonté: Never.

Mr Bradley: Have you ever considered it?

Mr Jackson: Never considered it. Not since he met David Reville half an hour ago.

Mr Labonté: That's a straightforward question. No.

Mr Bradley: Okay. That's interesting to hear.

Ms Carter: The Liberals ask us for donations all the time.

Mr Bradley: What's that?

Ms Carter: The Liberals send us requests for donations all the time.

Mr Bradley: You certainly don't get any requests from me, because I don't.

Mr Jackson: He's got enough money, that's why.

The Chair: Let's keep the committee in order. Thank you.

Mr Bradley: My question has to deal with the question I asked this morning, and I'm interested in each of the advocate's reaction to it. The dilemma that is often faced is the dilemma of the family having a different point of view—usually the immediate family—from the patient in this particular case, and the family feeling that the family is doing something right for the patient as quite strong feelings, and certainly expressing them to elected representatives. What amount of consideration should be given to the viewpoint of the family when dealing with matters related to the patient's wellbeing?

Mr Labonté: Definitely the family and service provider will have to be consulted very closely. Like I was mentioning, all those guidelines will have to be made in conjunction with those people. They're the best ones to help us, because they've been doing the job for so many years and the commission is brand-new. If we want to take some experience someplace, we have to go down to the source where people are advocating for a long time on those issues. I think the service provider and family could be some great help and we have to sit down with them and listen to them. Don't push them apart.

Mr Bradley: But ultimately there may be a situation where the family point of view is significantly different from the patient's point of view and the family may believe, rightly or wrongly, that the patient, because of the condition the patient is in, is unable to make an appropriate determination. What position should the advocate take in that position?

Mr Labonté: Good question. I don't know, to be honest with you, but I know this will be a major problem for the commission—a major problem. That's another question that I have been asked on numerous occasions in the last month. I don't have the answer. I had a mother who came to me and told me: "I've been taking care of my son for 25 years. How are you guys going to do better?" I don't know. At this point the system is too new. I don't have a clue.

Mr Bradley: If the advocates are to counter the viewpoint of a doctor, for instance, a doctor may recom-

mend certain treatment or may offer that option—the doctor can't always force that treatment obviously, but the doctor may strongly recommend a certain course of action and treatment—and the patient may be very resistant to that.

How does the advocate counter that? Do you think the advocate is going to have to have medical knowledge to counter the doctor's opinion in that case, a doctor who has presumably gone through all the schooling and is supposedly knowledgeable in a specific field? How does the advocate stand up against a doctor if the advocate does not have something equal to the medical knowledge that the doctor has?

Mr Labonté: I don't believe the advocate will have to have medical training, but I believe the advocate could sit down with the doctor and voice the concern of the person they represent, because they're the best one. The doctor most of the time is with this person about 15 minutes a month. You are with them, like in my case, sometimes 15, 10 days a month, a couple of hours per day. We know from the bottom end that's what the client wants. I think there will have to be some meeting ground someplace. Lots of meeting will have to be done between doctor and patient and advocate. A common ground will have to be found someplace. How I don't know. Good question. I don't know.

The Chair: Thank you very much for your appearance this afternoon, Mr Labonté, before the committee.

Mr Labonté: I'd like to thank everybody.

JOY ENID ISAACS

Review of intended appointment, selected by official opposition party: Joy Enid Isaacs, intended appointee as member, Advocacy Commission.

The Chair: Welcome, Ms Isaacs. Do you wish to make a brief opening comment or would you like just to start with questions from the committee members?

Ms Joy Enid Isaacs: I'll start with questions.

Mr Bradley: The first question I would have I guess is going to be to get your similar reaction to the question about the role of the family.

Ms Isaacs: Could I hear the question, please.

Mr Bradley: Oh, you didn't hear it. I asked a question of the previous applicant, Mr Labonté, about the role of the family. Did you hear that question?

Ms Isaacs: What is your question?

Mr Bradley: My question is, if there's a conflict between a family and a patient, how much credence should be given to the family's viewpoint?

Ms Isaacs: In my conflict resolution experience, you listen to both sides, and because the patient most times is very much aware of their needs, then I think their needs would have to be seriously taken into consideration.

Like we all know, many times family members think they know what's best for us. Just recently I had to rescue a blind woman because her parents threw her out. They figured she could not survive in the society and they've thrown her out. I managed to rescue her and now she's functioning very efficiently, got a job, is going to work and is doing fine. So sometimes people think they

know what's best for us, but ultimately we're the ones who know what is best for us.

Mr Bradley: There is a concern that has been expressed that useful treatment and perhaps urgent and necessary treatment could be delayed because of the Advocacy Commission suggesting that an advocate take the side of the patient. While the conflict goes on, the patient's physical wellbeing could deteriorate. Do you think that's a danger, and how do we overcome that?

Ms Isaacs: In real life, with or without conflicts, sometimes just waiting for the doctor's appearance, people die.

1540

Mr Bradley: But that doesn't really answer my question. It's true that they might wait for the doctor's appearance. That might happen; it doesn't often happen, but it can happen. I'm just looking at where a doctor has said, "This is a treatment that I believe is necessary," and she says, "We must move forward with this treatment or the patient may deteriorate badly," the patient is resistant and the advocate is there to advocate on behalf of the patient. Who is then going to be responsible legally if the patient dies or suffers permanent impairment as a result of a delay of treatment?

Ms Isaacs: Because I'm not a lawyer I won't be able to say who is responsible legally. What I would hope in guidelines is there would be some suggestion of what would happen in case of dire emergency. Because this is just a brand-new commission I wouldn't know of the exact answer to that, but I know that we would work definitely in the interests of the patient.

Mr Bradley: That is a concern. I think when the legislation passed the committee, one of the concerns that was expressed, probably particularly by members of the medical profession and perhaps from family advocate groups, was that important treatment might be delayed, consequences might be fatal, but other than that, they may simply result in a deterioration of the patient's condition. Do I take it from your answer you don't believe that's a valid concern, that it's unlikely to happen very often?

Ms Isaacs: We would hope that it wouldn't happen often.

Mr Cleary: Welcome to the committee. Just a question to follow up from my colleague there: How do you defend the decision not to include families' rights organizations in the constituent group permitted to participate in the appointment advisory process?

Ms Isaacs: To defend the decision not to include family rights' organization groups in the appointment to the advisory process?

Mr Cleary: Permitted to participate in the appointment advisory process.

Ms Isaacs: Just for clarity, if I understand the question right, you're asking me to defend an exclusion of these people?

Mr Cleary: Yes. How do you defend a decision not to include family rights' organizations?

Ms Isaacs: It's not, to my knowledge. I don't think

there's a decision to exclude these people.

Mr Cleary: It's my understanding that there were.

Ms Isaacs: I'm not aware of it.

Mr Cleary: Okay. That was my question. Thanks.

Mr Sterling: I don't really think that it was your responsibility to answer that particular question. I think that has more to do with the Premier's office in terms of how they undertook interviews etc for this in appointing commissioners. At least that's my understanding of it.

How did you come to apply for this position?

Ms Isaacs: Way back in my childhood, I'd go with my grandmother—

Mr Sterling: No, I just meant in the immediate past. I mean, how did you hear about this? I'm sorry.

Ms Isaacs: Oh, how did I hear about it? All right. I'm very active in the community, and when there was the idea to establish a commission, I was involved in some of the community meetings where people spoke about the importance. I thought because of my experience, my education and my commitment to people with disabilities, having a disability myself, this was a good opportunity to apply and, when successful, contribute my skills and abilities and bring a different cultural perspective to the whole commission.

Mr Sterling: I don't know if you heard me talk to Mr Labonté about my concerns about this legislation. I've been very much involved in the committee hearings dealing with it. But I have a great deal of concern about government-hired people involving themselves with vulnerable people and advising them as to choice, and notwithstanding the view of some that the advice can be—

Ms Isaacs: I can't hear you.

Mr Sterling: Notwithstanding the view of some here that the advice can be totally objective, I don't believe that advice is objective very often, regardless of the topic that's involved. So it concerns me greatly that Bill 74, the legislation under which you are going to be appointed, doesn't even attempt to outline what an advocate is. What are the requirements of an advocate? What are the educational requirements and what training will be provided to the advocate? Can you enlighten me on what you would see as an advocate, what the qualifications of advocates are and what training you would provide for them?

Ms Isaacs: The qualifications and the training?

Mr Sterling: Yes.

Ms Isaacs: Was there a practical question in there too?

Mr Sterling: Yes.

Ms Isaacs: From my point of view, I think an advocate would be someone who would assist a vulnerable or a senior in achieving their aims and desires and wishes. The qualifications to make that possible would be someone who's got excellent communication skills, has the ability to listen, is non-judgemental, has the ability to retain and keep secrets, is very sensitive and aware of the cultural mosaic, different terms of communication, whether it be sign-facilitated, oral, written, non-tradi-

tional, someone who could execute the wishes as instructed, someone who's got the ability to be non-judgemental. I think those would be good qualifications for an advocate.

As for training, as far as I know, there's training in process. There are mechanisms set up so that people will get the proper training and awareness they would need to execute the wishes of the vulnerable people.

Mr Sterling: If an advocate expressed a judgemental opinion in advising the vulnerable person, would you be willing to fire that person?

Ms Isaacs: As far as I know, there's a process. If an advocate has been non-professional, there's a complaints process that would be established where the vulnerable person would be able to lodge the complaint, and whatever would be the reaction or curative measures that might be taken, I think that would be the appropriate time.

Mr Sterling: So you're not saying whether or not you would be willing to fire this person on the basis of him injecting personal opinion in making a decision in this matter.

Ms Isaacs: As far as I know, I'm going to be a member of a commission. It would not be an individual assignment, that I would have that plurality. It would come before the commission or the review board or the complaints process and then appropriate steps would be taken and implemented.

Mr Sterling: Would you hire an advocate who was associated with either the pro-life or the pro-choice movement?

Ms Isaacs: I would hire an advocate who's got the qualifications like I outlined. Their individual preference would have nothing to do with their ability to carry out the job. If they've got good communication skills and they could listen to somebody who is a pro-life or not, their job is to execute the wishes of their clients.

Mr Sterling: But they're going to be behind closed doors with perhaps a very vulnerable young woman, perhaps someone who has a very low intelligence level or ability to make a decision herself. You do not think they should be excluded from that kind of a decision if it is a case of whether that young woman should abort a child or not abort a child?

Ms Isaacs: Their position is to explain the pros and cons, whether to keep the child or abort the child.

1550

Mr Sterling: I know what their position is, ma'am, but my concern here is that you are putting a hired person who has a strong view one way or the other behind closed doors with somebody who has an IQ of, let's say, less than 70. Do you still believe in putting that person behind that closed door with that person?

Ms Isaacs: That person who's hired as an advocate must have the ability to be impartial and not impose his or her views on the client.

Mr Sterling: In spite of the fact that they're actively involved in either one of the two movements that I mentioned?

Ms Isaacs: They should have the impartiality not to impose their views. I think that would be one of the requirements for them when they're being hired.

Mr Jackson: Ms Isaacs, I'm interested in the fact that you're currently doing work around employment equity with Metropolitan Toronto. You're under contract with them?

Ms Isaacs: The city of Toronto.

Mr Jackson: You work for the city of Toronto?

Ms Isaacs: The city of Toronto, yes.

Mr Jackson: I'm currently an advocate in my own right, legislatively defined, working on several of my constituents who work for the city of Toronto who have taken cases to the attention of the Human Rights Commission because of the manner in which employment equity has been dealt with, and they felt that they'd been harmed, and based on the copious documentation I've looked at.

I raised the question earlier today about the point at which an advocate becomes the establishment. It strikes me that there may be room for drawing a parallel comparison here, given that you're employed to implement the employment equity program. I'm not suggesting that your decisions are the ones that are currently before the human rights tribunal. I want to make that clear. I'm simply suggesting that you're working for an employer who currently has several cases under appeal and before the Human Rights Commission.

I wonder how you feel about being put in that position, knowing that, and how you'll make that transition as an advocate to this commission, realizing that you're a part-time commissioner and will continue your employment with the city of Toronto?

Ms Isaacs: Just for clarity, I'm pleased to announce that I no longer have that position. I'm now a special employment programs consultant, and that puts me definitely in the area of working with special employment programs.

Mr Jackson: So you're self-employed at the moment?

Ms Isaacs: No, I'm with the city, but I've since changed positions. I don't see my position as causing any conflict or any great concern as a special employment programs consultant. I'm doing something totally different.

Mr Jackson: Well, but you're a special programs consultant; you'd still be advising human resources, city of Toronto, on the implementation of employment factors that can give rise to issues around unfair treatment by an employer of an employee.

Ms Isaacs: With the implementation of legislation, hopefully that's acceptable in Toronto, and especially in the province.

Mr Jackson: What's acceptable?

Ms Isaacs: Employment equity.

Mr Jackson: That's not my question. We all hope that.

Ms Isaacs: Yes.

Mr Jackson: You're in a unique position. You're the

third Advocacy Commission appointee we've borne witness to today and I think you're in a unique position, compared to the other two, given where you're currently employed and where decisions that a municipality makes might adversely affect its employees, and you're currently employed in that capacity. This is a form of conflict in some people's minds with respect to areas of judgement and decision-making. That's where I'm wanting to focus.

I didn't see that as an issue in the previous two persons who were before us because they were doing a similar kind of advocacy work in their communities. Yours is a more simple, straight-up employment situation, but it has come to my attention that the employer where you work has these complaints and charges against him or her, and I consider that rather serious.

Ms Isaacs: So what is the question?

Mr Jackson: It's clear that you don't understand what I'm talking about. Thank you.

Mr Malkowski: Having taken a look at your résumé, I was certainly very impressed with the qualifications you bring and I want to congratulate you on your appointment. Could you tell me a little bit about your vision in terms of advocacy and the model that you would like to see established and why you feel that it's such an important thing to have in place for vulnerable people?

Ms Isaacs: I think from the research and things that have been done, it's important that some sort of mechanism is established so that the abuse, the neglect and the exploitation of vulnerable people is lessened and hopefully eradicated. I feel that this commission, with its collective wisdom, would be able to bring about changes for the improvement of the lives of vulnerable people and seniors.

Mr Malkowski: Just in relation to accountability for the commission, do you have ideas in terms of an accountability mechanism if there are appeals? For example, individuals within provincial psychiatric institutes, if there were appeals against institutes that are actually government-run, how do you see an accountability mechanism in place so that there is no conflict?

Ms Isaacs: I feel that somehow my train of thought has been disturbed with all the whispering.

The Chair: Did you hear the question?

Ms Isaacs: I just got distracted on this side, so I'm just wondering if I could have it repeated.

Mr Malkowski: Would you like me to repeat the question?

Ms Isaacs: Please.

Mr Malkowski: Do you have ideas in terms of establishing an accountability mechanism when dealing with complaints, say, specifically against government agencies? An example would be the provincial psychiatric institutes. If a vulnerable person were to approach the commission or raise complaints regarding a government-run agency or institute, how do you see there being a mechanism in place to deal with that?

Ms Isaacs: As far as I understand, there's going to be a complaints procedure and hopefully, when the complaints are made, the investigation would be impartial.

They would listen clearly to what the vulnerable person has to say, listen to the complainant's point of view and then try to see what really is the source of the problem and how it could be fixed.

Mr Malkowski: Thank you very much, and again congratulations and good luck. I certainly believe that you are a very qualified candidate for this position.

Ms Carter: You've given us some idea of the qualities that you think an advocate should have, which will obviously be something that will influence your input into the commission as to who is going to be hired, but the commission will also be responsible for establishing a system of training. I'm just wondering whether you have anything in mind as to what an advocate's training might consist of.

Ms Isaacs: I think it would be good if the advocates were taught about cultural differences, different types of communication, understanding of non-traditional ways of dealing in situations, conflict resolution; awareness of holistic approaches to life, general information on the ways different cultures meet and greet, a wider understanding of the changing mosaic in our present environment and also the way in which people divulge information. In some cultures you start from way back and come forward and in some cultures you start from the present and go back. I think a variety of all these things would be helpful.

Ms Carter: Would they not need a knowledge of how things work in society so that they can take action? Is that not going to be—

Ms Isaacs: A knowledge of the ever-changing situations that occur.

Ms Carter: I was just wondering if we could throw a bit more light on this question of families that has been raised, I believe, by Mr Bradley and all the others. It seems to me that the people whom advocates are going to be helping are going to come in all kinds of different categories. There's going to be an infinity of different kinds of cases. I guess an individual who has a really supportive family is probably not going to be in need of an advocate's services except that sometimes, and I believe this is taken into account in the legislation, the family itself can maybe be counselled and helped to support that family member or to solve problems they have jointly.

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I'm just thinking particularly about elder abuse. I am concerned with seniors and I know that elder abuse is much more of a problem than maybe we'd like to admit and it's something we're going to have to face up to. Of course, that might be in an institution, but it might be in a family. In other words, where you've got abuse it's usually going to be somebody who's in the care giving relationship who is guilty of that abuse, so in order to help the person you have to go directly to that person and not to the care givers. After all, although they're the people who give support and so on, they're also sometimes the abusers. Perhaps you could comment on that.

Ms Isaacs: I feel the family is very important to individuals, but one of the things I realize is that some-

times families start off being very supportive and very helpful and in the course of the situation, when the condition deteriorates and after having to give prolonged care for excessive hours, sometimes the good intentions unfortunately are thwarted because they themselves have got worn down because of the sickness or whatever has happened.

Sometimes, in forms of frustration or relief, their attitudes might have changed. I think, in dealing with these situations, we take into consideration their outlook because they could have started off all well-meaning and with good intentions, and because of the prolonged illness or the deterioration, then their attitude could have changed. By that time, some of their wishes might not be in the best interests of the client.

Ms Carter: At some time the solution might be respite for the care giver.

Ms Isaacs: The possibility of just time out where maybe they could get some space and the client could have some space too.

Ms Carter: The first consideration always has to be the viewpoint of the vulnerable person.

Ms Isaacs: The vulnerable person, yes.

Mr Waters: There's been some discussion at each of the interviews with the commission about, I gather, education and whether persons should have a formal education in order to become advocates and how much formal education they should have. Having a father who sits in a wheelchair who has been there for some time, maybe I've changed my views or have been enlightened somewhat. I guess it's the old thing of, "Walk a mile in my shoes." Although I believe that an advocate, first off, should have some definite communicative skills and indeed a basic education, at the same time I think that the "Walk a mile in my shoes" is an important aspect of it. I look at my father, who would fall into two categories—he's disabled, he's a senior—but he wouldn't be able to fall into a number of the other categories.

Let's say you take this person I know so well and he were to apply to be an advocate. How would you train that person then to have a consideration for the other people he would be serving? You wouldn't have an advocate for each disability or each group within a region. I think that's part of what Mr Sterling was trying to get at. I'm going to phrase it in a different way and then ask for this comment—

Ms Isaacs: The way I see it, if the training is inclusive enough and it's done to meet the levels of all people, then I think it's going to be successful. Regardless of whether the person has very formal training or if he or she is experienced and the informal education is equivalent to have that person accept and understand what the training is, I think it would be sufficient.

Mr Waters: Do you see training of the advocates as being intensive—I know that we keep hitting on this—and long term? Really, we're probably putting the cart so very many miles in front of the horse on this, and I think that most of my colleagues would agree. But I would see it as being an ongoing situation for the entire time that they were advocates.

Ms Isaacs: "Intensive" is a relative word dealing with people with various types of abilities. For some people, two days would be very intensive, and for some, it would not be enough. I think it would have to be enough of a base so that they would have ongoing training. So you might have lots of time there. They might have to be there together for maybe two days or three days and then ongoing meeting frequently.

The Chair: Thank you, Ms Isaacs, for your appearance before the committee this afternoon.

Now, committee members, we have some business to do. The first order of business is a motion to approve the appointments for today. Mr Waters, you are moving the appointments?

Mr Waters: Yes, Madam Chair.

The Chair: The motion will be to approve the appointment of Susan Fish as a full-time member of the Ontario Municipal Board; of Pat Capponi as a member of the Advocacy Commission; of Charinee De Silva as a full-time member and vice-chair of the Social Assistance Review Board; of Judith Davidson-Palmer as chair of the Justices of the Peace Remuneration Commission; of Shirley Anne Clement as a full-time member and vice-chair of the Social Assistance Review Board; of Dianne Crawford as a member of the Peterborough Police Services Board; of Mr Remi Labonté as a member of the Advocacy Commission; and of Ms Joy Enid Isaacs as a member of the Advocacy Commission.

Is there any discussion on that motion? All in favour of that motion? Opposed, if any? Members either have to leave the room or they have to vote. If you're opposed, you have to indicate so, or you have to leave the room, but you can't remain at the desk.

Interjection.

The Chair: Sorry, you just have to remove yourselves from the desks, you don't have to leave the room. I was told once I had to leave the room.

Mr Jackson: And you bought that, did you?

The Chair: And I bought that.

Mr Sterling: One of the problems, Madam Chair, I don't object to all of these—

The Chair: All right. We may split them.

Mr Sterling: Okay, that's what I would prefer.

The Chair: If you would like to pull out any, or we can go through each one individually. What would you like to do, go through them individually?

Mr Sterling: Sure.

The Chair: All right. The first motion will be for Ms Fish. All in favour? Opposed, if any? Carried.

Ms Capponi. All in favour? Opposed, if any?

The second one, at 10:30 this morning.

Mr Conway: I abstain. I withdraw.

The Chair: I'm sorry, Sean, you have to move from the table.

Mr Conway: I'm away from the table.

The Chair: Ms Capponi is the lady at the back of the room wearing the hat right at this point, okay?

Ms De Silva. All in favour? Opposed, if any? Mr Sterling, you're opposed?

Mr Sterling: Yes.

The Chair: Thank you.

Ms Davidson-Palmer. All in favour? Opposed, if any?

Ms Shirley Anne Clement. All in favour? Opposed, if any? That's carried.

Ms Dianne Crawford; that's the police services board. All in favour? Opposed, if any?

Mr Remi Labonté, the Advocacy Commission. All in favour? Opposed, if any? That is carried.

Ms Joy Enid Isaacs. All in favour? Opposed, if any? That's carried.

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We do have some further business of the committee. The clerk has two items of business.

Clerk of the Committee (Ms Lynn Mellor): One of the selections, Mr Mark Dockstator, was made by the government party. When we contacted him, he was unavailable for these dates. Do you want to hold him over until our next meeting or do you want the appointment to go ahead?

Mr Waters: Let the appointment go ahead, Madam Chair.

Clerk of the Committee: Okay. In addition, Mr Mouammar, who was selected by the third party—he was an intended appointee to the Workers' Compensation Appeals Tribunal—called us Friday, September 2 to let us know that he had accepted a federal appointment and therefore would not be allowing his appointment to stand. Unfortunately, it was not within the seven days that we need to contact the alternate, who was Kerry Wadman.

The Chair: Does that mean they have a choice of still having Mr Wadman?

Clerk of the Committee: No, because we weren't within the standing orders.

The Chair: So his appointment goes ahead?

Clerk of the Committee: Yes.

The Chair: And Mr Wadman is an appointment to the Advocacy Commission.

Clerk of the Committee: In scheduling the Council of Regents, we've had a couple of requests to be scheduled in addition to those that the committee had already indicated, the people who it wanted scheduled. One of the additional requests was the Ontario Community College Student Parliamentary Association. We've had a couple of declines and we do have the spot, so if there's no objection from the committee—

Mr Waters: I would move that, if you need a motion.

Clerk of the Committee: No. I just want to run it by, unless there's a problem.

Mr Waters: I don't think there's any problem.

Clerk of the Committee: In addition, we had the Administrative Staff Consultative Committee make a request for an appearance.

Mr Waters: Do we have the time?

Clerk of the Committee: Yes, we have the time.

And we've had a third request from OPSEU. They have been scheduled and they're asking for more time. They have a half-hour appointment.

The Chair: We already had one deputation from OPSEU?

Clerk of the Committee: Yes. They're just asking for an extension of the time, not an additional—

Mr Waters: Are we giving anyone else any more than a half an hour, or group?

Clerk of the Committee: We've given the chairs of Council of Governors a half day and the chairs of Council of Presidents a half day. There is a one-hour appointment for the College Standards and Accreditation Council and one for Walter Pitman; everyone else is a half-hour.

Mr Bradley: What job does Walter have now?

Clerk of the Committee: It's not on the tip of my tongue at the moment, but I can tell you if you give me a minute or two.

Mr Bradley: He just goes from job to job.

The Chair: Is there any other group that you would like to invite that hasn't been included up to now?

Mr Waters: I have a couple of questions but it isn't on inclusion of other groups. I guess we should deal with OPSEU, which is before us now, the question of do we expand their time. I don't have any problem with that, with the exception of the fact that there's only so many that we can accommodate expanding time to. They are a very large group.

Mr Bradley: The next thing you know, the Taxpayers Coalition Ontario will want to come in.

Mr Waters: I guess that's what I'm saying, is that if it becomes problematic, then we have a problem, otherwise we have four deputations now that are going to be over half an hour, depending on the amount of time we have left. How much is left for us?

Clerk of the Committee: They were scheduled at the last of the Thursday morning, at 11:30. There's nothing scheduled Thursday afternoon.

The Chair: So we could start them at 11:30 and go to 12:30 and not sit in the afternoon, you mean?

Clerk of the Committee: Or you could schedule them in the afternoon for an hour if you want, or whatever amount of time you want.

Mr Waters: I sort of like the Chair's suggestion a bit better than the break. If there's going to be no one else, then I'd sooner run them through to 12:30 rather than run through to 12, take a two-hour break, and come back for half an hour.

Clerk of the Committee: The request that I've just given you, that's all the additional requests we've had.

The Chair: Are you happy to expand their time from half an hour to an hour, is the question, for OPSEU?

Mr Waters: I'm willing to do it, but I'm also willing to sit and listen to my colleagues from the other side, whether they want to do it or not. Or maybe give them three quarters of an hour instead of an hour, I don't know; split the difference.

Mr Bradley: If it's not interfering with anybody else, I have no objection. If it meant you bumped the Canadian Federation of Independent Business or one of those—

Clerk of the Committee: They've declined.

Mr Bradley: —totally objective people, I would say that's different, but if there's nobody there, there's nobody there.

Clerk of the Committee: All the business-oriented people have declined to appear.

Mr Bradley: If people are interested, then let them come in.

The Chair: Okay, then let's have OPSEU for an hour starting at 11:30 on the Thursday morning.

Mr Waters: I guess the other question, Madam Chair, is, do we have agreement from the other side to run through to 12:30 rather than breaking it up?

The Chair: Does everybody agree to sit until 12:30 on Thursday, rather than come back in the afternoon? I would think so.

There is to be a subcommittee meeting following this meeting to make selections of the next review appointments.

Mr Waters: I have a couple of questions. One is some information that's been forward and it's the Collège Boréal, with Jacques Michaud. The thing was that we have a Raymond Guindon from the college who is the person who's supposed to be coming forward. It's my understanding this person hasn't been there for some time now.

Clerk of the Committee: What happened with the presidents and the governors—I spoke to the association and with discussion with them and Mrs Witmer, because she had identified those people, they suggested the other person coming forward.

Mr Waters: Jacques coming forward?

Clerk of the Committee: Yes, and they're coming as a group, so they indicated him as a representative. Mrs Witmer has gone along with what they had suggested.

Mr Waters: The other question I would have is, who is Penny Milton?

Clerk of the Committee: Used to be Penny Moss. She had been a member of the Council of Regents.

Mr Waters: Okay.

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Mr Sterling: Madam Chair, before the committee goes, there's one issue that's just sort of struck me. I don't normally sit in these hearings but I'm sitting here primarily because of my interest in the Advocacy Commission. One of the concerns I have about the process that is going on here with regard to the advocacy commissioners is that, number one, we have ones who are being interviewed at a later time being present while another advocacy commissioner is in here. The other part is that we have the next head commissioner, Mr Reville, who's sitting through all these hearings, who's going to be interviewed tomorrow as well.

I just find it horribly not beneficial to members of the committee to try to weigh the commissioners one against

the other or to have a consistent line of questioning for each commissioner if they are sitting in the audience and obviously schooling themselves in terms of the questions that might be posed. I also noticed that before the last commissioner was questioned, Mr Reville stepped outside with her, I suspect to coach her in terms of the response to questions which had been previously asked.

I guess when I pose questions to people that are particularly for that job, I want to get their honest personal reaction to the questions I ask. It is a position which requires, in my view, a great deal of originality and I want to get that personal response.

I just pose it as a question. I know Mr Reville is in tomorrow morning. Are there any other advocacy commissioners tomorrow?

The Chair: Just to give you the technical answer, the process is, of course, that these appointments have been done as part of a public meeting process. It would be up to the committee if they decided that they wanted to hold the process in camera, but at the moment there is nothing to preclude what you've observed taking place today.

In fact, today you've been watching it, but I'm sure if I were an appointment, I would spend time ahead of time anyway with people who are knowledgeable about the agency that I was appointed to. I may not do it out in the hall on the day of my interview, but I would want to do homework on it in any case. So I don't know whether changing the process makes it any different, but I hear what you're saying.

Mr Sterling: Let me respond in two ways to that. Number one is that during my brief experience as a solicitor and barrister, when you went to many civil trials, or criminal trials, although those were public hearings, a judge would say to people who were going to be witnesses, "You are excluded from this room," and I would instruct other people in there not to talk to the other people about what transpired in the courtroom prior to their giving testimony. Okay? I'm just saying that.

There are significant differences between what we're doing here and a trial, but we are trying to elicit true responses or unbiased responses from people in this room.

Number two is that I guess part of my measure of the qualifications of an applicant would be, how much work did they put into this interview which we are undertaking here? The reason I voted against Mr Labonté today was I felt that he had not put a great deal of time into thinking about some of the questions, talking to people, preparing himself adequately for this interview which took place here.

I just think it reflects poorly on an applicant who does this as a last moment preparation in order to come before this committee because I believe that the commissioners to this Advocacy Commission under Bill 174 are going to be extremely powerful people.

So I don't know. I just throw that out. I don't know how it struck other people today.

Mr Waters: On the issue, first off, with Mr Labonté—

Mr Sterling: No, let's not talk about him.

Mr Waters: Well, you brought him up—

Mr Sterling: Okay. I'm sorry. Go ahead.

Mr Waters: —specifically so I would answer that. One of the reasons we're doing the Advocacy Act is to allow these people to have advocates and to be an equal part of our society. They are not at this point in time; most of them are intimidated. That gentleman, if you looked at his CV, ran a business, is a well-known advocate, got here because the people he worked with put his name forward through the system.

Obviously, and indeed I checked, I said he was extremely nervous and intimidated, and he was. Those of us who sit on the committee on a regular basis see this of highly qualified people who come before us all the time.

But on the overall issue of allowing them in the room while other people appear, I'm also sitting on resources development in my spare time right at the moment. I sit there, as I do in many committees, and I watch people from both sides of the argument sit there day after day in advance and then prepare not only their possible answers to questions but even their submissions to the committee based on what they've heard in the committee. I would think that you would have to change the entire committee structure within the government to do that, and you would have to have everything in camera.

Mr Sterling: Well, I don't agree.

Mr Malkowski: Just to add to that, I think we have to keep in perspective also that English was not Mr Labonté's first language. He's a francophone. I think that you're judging him perhaps inappropriately. If you take a look at the experience on his résumé, it's very different.

I think that it's inappropriate maybe or I guess it disturbs me that you would name this one person specifically. We've had a lot of people come forward and I think it's offensive, really. Often it's difficult to give people the equal opportunity to speak.

If you're talking about standards, then I think technically I would like to know whether or not—maybe I can ask the Chair—it is appropriate to specifically centre one individual out in this way. I would think that isn't technically very appropriate.

Mr Waters: If I might, Madam Chair—

The Chair: No, excuse me. Mr Malkowski asked me a question. In fairness to Mr Malkowski, my answer would be that I do not control the debate and comments of committee members. If it's something that is contrary to our standing orders, then I would make a comment, but in this case I don't have a comment to make about that reference.

Mr Waters: Very quickly, and I know Mr Sterling is full of words of his own, I don't think he used this as a slam at that gentleman. It was just that the name was there and it was someone who was here today. I wouldn't at all accuse Mr Sterling of anything of that nature, and I don't think that Mr Malkowski would either. In fact, if we want to pursue this, I would suggest that we go off the record for a while. But I really don't think there's any need for pursuing it unless Mr Sterling believes so.

Mr Sterling: I just want to say to Mr Malkowski, I'm

a big boy. I've been here for 17 years. I don't mind saying what I believe and calling a spade a spade, and I found that particular candidate ill-prepared to come in front of this committee.

Now, there may be excuses for him. Fine and dandy; I understand that. Notwithstanding those problems, that was my judgement and that's what we're here for, to make hard calls and vote on particular matters. Otherwise everything's nicey-nicey in this room and in this Legislature and nobody ever comes to any hard decisions. So I don't apologize for that.

I guess I was more concerned with the process. I just find it a little bit warped because of the fact that we are dealing with a number of advocacy commissioners at the same time. I would have liked to have got their first reaction to the questions, and I would have liked to have had, as I have done in terms of hiring or being involved in the appointment of some of the legislative officers—when we do that, we ask them a consistent set of questions. Of course, I don't equate this process to other committees' process, where you are not, in effect, hiring somebody. You're looking at their qualifications or their suitability for a job. So I look at this quite differently than I would somebody involved in public policy or in another committee.

Notwithstanding that, I don't expect the committee to change its process, necessarily. I just find that probably we would have better answers if we followed something like I suggest.

The Chair: I don't think we need to keep going around this. The point is that the committee conducts its business as the committee wishes, and the only alternative to your concern is for us to be in camera. As a matter of fact, today was unusual. We do not usually have a number of the same agency appointments, one following the other, as we did today. So I think unless there's anybody who feels desperate about saying anything more—and you're not going to have support for moving in camera, because I saw the reaction to that anyway.

Mr Sterling: It wasn't a question of that. I guess if you're faced with that situation again, Madam Chairman, you might want to consider asking people who are involved with the same kind of appointment to step outside while other witnesses are asked questions. That might be a consideration in the future. Let's forget about it.

The Chair: I would have to take directions from the committee on it. Anyway, if there is no further business for the committee as a whole—

Mr Malkowski: I would like an opportunity to respond. I wasn't being critical of your opinion, Mr Sterling. I was simply talking about standards in terms of people being involved in this process. I recognize the concerns you're raising and I certainly view you as a big boy. That wasn't the issue.

The Chair: Thank you, Mr Malkowski, for that clarification.

The committee stands adjourned. We will start the subcommittee meeting immediately.

The committee adjourned at 1632.

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*Harrington, Margaret H. (Niagara Falls ND)

*Malkowski, Gary (York East/-Est ND)

*Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)

Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Substitutions present/ Membres remplaçants présents:

Conway, Sean G. (Renfrew North/-Nord L) for Mr Curling

Jackson, Cameron (Burlington South/-Sud PC) for Mrs Witmer

MacKinnon, Ellen (Lambton ND) for Mr Ferguson

Sterling, Norman W. (Carleton PC) for Mr McLean

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Thursday 8 September 1994

Journal des débats (Hansard)

Jeudi 8 septembre 1994

Standing committee on
government agencies

Comité permanent des
organismes gouvernementaux

Subcommittee report

Rapport de sous-comité

Intended appointments

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Thursday 8 September 1994

Jeudi 8 septembre 1994

The committee met at 1008 in committee room 2.

SUBCOMMITTEE REPORT

The Acting Chair (Ms Margaret H. Harrington): Unfortunately, our Chairperson is not with us this morning, but she will hopefully be here shortly.

I would first of all indicate to you that you have been given the report of the subcommittee, which met yesterday, and they have selected various people and agencies for the next while. Do we have a motion to adopt this report of the subcommittee? Mr Waters moves the adoption. All those in favour? Carried.

INTENDED APPOINTMENTS

PAULINE SEVILLE

Review of intended appointment, selected by third party: Pauline Seville, intended appointee as full-time member, Ontario Labour Relations Board.

The Acting Chair: Pauline Seville is the intended appointee as a full-time member of the Ontario Labour Relations Board. Welcome to the committee. Please make yourself comfortable. If you wish to, you may give us some introductory remarks, and then we will have questions from the three parties.

Ms Pauline Seville: I don't have any introductory remarks, except to say good morning.

The Acting Chair: Good. We will begin with the third party; this is a selection of the third party. When Mr Sterling is ready, he will address you.

Mr Norman W. Sterling (Carleton): Do either of the other parties want to go before me to give me a chance to get organized?

Mr Sean G. Conway (Renfrew North): Sure. If you want, Normie, I will.

Mr Sterling: I appreciate that.

Mr Conway: Ms Seville, nice to make your acquaintance. Just looking at your background, one is impressed by the experience you bring, certainly from the labour movement perspective. I just wondered, given that experience, what's your sense of the OLRB, having looked at it from your vantage point at OPSEU over the last number of years?

Ms Seville: I think it's important to understand how the board functions and what the role is that I'm being asked to serve in.

Predominantly, the board sits in a tripartite kind of system where there is a neutral chair or vice-chair, and the act is constructed in such a way so that there are specifically employee or sometimes referred to as labour sidespersons and employer sidespersons. The purpose of

having that clearly is so that the sidespeople, whether they come from the employer representatives or come from employee or labour groups, bring that perspective to bear in terms of the kinds of decisions that are made at the Ontario Labour Relations Board. I think it's important to understand the structure and general composition in terms of the adjudicative role.

Having said that, what is OPSEU's experience with the board? My own direct experience was that while I haven't sat recently at the board, when I ran our organizing department approximately 12 years ago, I was at the labour relations board on a very frequent basis presenting cases and dealing with issues the board had the jurisdiction and the mandate to deal with.

In terms of our perspective of how the board functions, the board is seen to be very capable. The board has been around for 50 years, if not longer; in fact, I think the board is ready to celebrate its 50th anniversary. Capable, competent and, with the passage of Bill 40, our sense is that with some of the expedited processes that have been provided for in the Labour Relations Act, we are certainly pleased about how those processes enable the parties to get to the issues, get to them quickly, and we all end up with solutions out of the process.

Mr Conway: I've got a couple of questions around the Bill 40 issues, but just setting Bill 40 aside for the moment, looking at the board pre-Bill 40, what sense did you have just generally about the efficiency and the fairness of the board over the many years you watched it from your viewpoint over at OPSEU?

Ms Seville: I think the board has had a credible history through a number of successive governments. The board is seen to be the administrator of the law as it is, not the maker of the law. I think that's an important distinction. The board is not making the law, creating it; in fact it's administering law created by a Parliament. I would say it has had a long-term credibility.

From the perspective of OPSEU, for us one of the downsides, if I could put it that way, in terms of the Bill 40 changes was that the issue we saw as our number one priority, that is, sectoral bargaining, was not addressed in the Bill 40 amendments. Having said that, we are still pleased with the amendments and our experience certainly in terms of the expedited process. We haven't had experience with the full range of amendments that exist in the legislation.

Mr Conway: Bill 40 has been in effect now for a little over a year. Am I right?

Ms Seville: Yes.

Mr Conway: Again from your viewpoint over at OPSEU, have you had any sense of impact in those early months of the new legislative order effected by Bill 40?

Ms Seville: I think speed would be the predominant impact we see, where issues are dealt with in a very expeditious manner. I think that would be predominantly the impact on our organization. The vast majority of OPSEU in fact is not covered by the Ontario Labour Relations Act. They're covered by the Crown Employees Collective Bargaining Act which, with the recent amendments to CECBA, will be administered by the Ontario Labour Relations Board.

Mr Conway: You are being nominated to a position as a full-time member of the OLRB, so let me ask you this. Critics of the bill have indicated that their concern is that historically, with whatever imperfections the board had, one of its great strengths was, so it is argued, that it was seen to be a relatively neutral player in the very delicate, difficult business of labour-management relations, and that specifically Bill 40 has in fact changed the mandate of the board in a couple of key respects that are deemed to make the board less of an umpire and more of a facilitator, at the very least, of one of the sides in this ongoing relationship between business and labour.

Ms Seville: Without knowing specifically what you're talking about, Mr Conway, it's very difficult to comment on that issue. I think what has happened is that in the controversy around some of the issues and some of the amendments contained in Bill 40, the Ontario Labour Relations Board has gotten drawn into that controversy, I think inappropriately. If parties have differences and interest groups have differences in terms of legislation, I think there are vehicles and forums for them to address that.

The board's function is not to be the creator of the law, it is to administer the law, so I guess I need to have a sense more specifically of which particular area you think has maybe drawn the board into playing less of a neutral role. It becomes difficult to answer it because it's a fairly broad-based kind of question.

Mr Conway: That's a very, very good answer. I have to tell you, as someone who's been executive assistant to three presidents of OPSEU, you've clearly earned your spurs. I'm not as familiar with this debate as some of my colleagues, but it's no secret, and it certainly would be no secret to the president of OPSEU and any of the senior staff who would advise the president of OPSEU, that a very substantial number of witnesses came before the Legislature bitterly complaining that Bill 40 in a number of specific areas changed the mandate of the Ontario Labour Relations Board, giving it a discretionary authority that it previously did not have to, in the eyes of many of those critics, tilt the board in one direction, namely, a labour direction. I take it from your answer that you just don't share that view.

Ms Seville: It would maybe help if we looked at one of the specific issues that's maybe been the most controversial: the replacement worker issue, or what's sometimes referred to as the anti-scab legislation.

Mr Conway: If I might, though, my question actually just deals with those sections of the bill that concern the

mandate of the OLRB. My memory of Bill 40 is that in a number of key areas the mandate and the scope of the board was altered, and it was that change—I'm thinking now of cases where, under the new rule, the labour relations board does have the power to do a number of things, to make judgement calls around whether or not certain practices have been fair and reasonable and, if in the judgement of the board certain things were not done, the board can act on its own in that respect. That has given rise to a lot of very bitter complaining around the—I'll be frank—business community by and large.

Ms Seville: In fact, I think the board had that kind of authority in many areas prior to the Bill 40 amendments. If you look at the construction of the legislation pre-Bill 40, the board had the authority to administer and render decisions with respect to the legislation. Those decisions would have impact on all the parties appearing before it, employers and unions and employees alike.

Mr Conway: So it's your view that basically all Bill 40 did in those respects was to consolidate in legislative language practices that had developed at the board over years?

Ms Seville: Possibly. The difficulty I'm having with being more specific in responding to your question is that it would be helpful to me if I had a sense of the specific issue that people are concerned about.

The Acting Chair: We'll have to move on. Maybe the next party would like to continue this.

Mr Sterling: I had never been in front of the labour relations board when I was practising law. Can you answer some questions which are really—I guess I'm trying to determine in my own mind who is suitable for appointments to the board. You say that the duty of the board is to interpret the law and apply that law. Is the majority of the people involved with the board, either in presentation or sitting on the board, mostly legally trained?

Ms Seville: In terms of presentations to the board, you have a combination. In some organizations, unions, it is the union staff people who do the presentations to the board. When I was appearing before the board, I think I probably did 80% of my own presentation and retained lawyers for approximately 20%. I think you have a mix.

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In terms of the composition of the board, if you look at the chair and vice-chairs, traditionally—and I think it still exists today—those people have been drawn in and have a legal background. A majority of them are lawyers and in fact that's their orientation and training.

If you look at the sidespeople, I believe the CMA plays a role with respect to putting forward names of employer representatives and the OFL and possibly other organizations play a role in terms of putting forward the names of employee and/or labour sidespersons.

Mr Sterling: So there are many people on the board at present who are not lawyers. Is that correct?

Ms Seville: If I looked at the labour sidespeople whom I would be more familiar with, just in terms of the length of time I've been involved in the union movement,

I would say they are not, by and large, lawyers. What they are or were is people who functioned in some capacity in employee organizations, possibly staff reps, negotiators, organizers, have that kind of background in terms of understanding what workplaces are all about but also understanding what the application of labour statutes is all about in labour relations.

Mr Sterling: I'd like to switch to another aspect. I guess you're quite familiar with Bill 40 and what it's had. My party has said that upon election, we're going to scrap Bill 40. Can you tell me what effect it will have on the OLRB?

Ms Seville: I think it goes back to the issue of what I said earlier, that the board is there to administer and adjudicate the law as it exists, regardless of what the law consists of.

If I might in an aside, I'm hoping that some of the concern around some of the amendments in Bill 40 may dissipate over time, once people have more experience with actually working with the amendments in the legislation.

You will recall that in Quebec, when the replacement worker issue was introduced, there was a lot of concern from the business community around the issue that they didn't want that kind of legislation in place, and notwithstanding that, I believe it may have been a Liberal government that brought that legislation into being. If you went back to those same employer groups or representatives now, I think they are quite content with the legislation and I think some of them see it as having been beneficial to labour relations in the province. It's certainly reduced picket line conflict. There is some evidence that in fact it may—

Mr Sterling: I don't want to cut you off, but my friend wants to ask questions too.

It's a given that that's a promise and a promise we're going to carry out. We've made that decision at this point in time, if we are elected, and I really wanted to know what the reaction at the board would be.

Mr Cameron Jackson (Burlington South): Ms Seville, given that your background qualifies you in many respects—some may view it as one with a particular interest or bias. People bring that to all their endeavours and it can't be avoided. One of the positive aspects of your bias is your background with women and labour, and I think that's a welcome addition to the Ontario Labour Relations Board.

I wonder if you'd be willing to comment, given the scope of the activities at the labour relations board and given the disproportionate number of women who've been laid off in the last few years, particularly from the sector you represented or came from—I'm looking at a disproportionate number of women caught in the Rae days, layoffs from hospitals and institutions. Juxtaposing that, we have Jobs Ontario, which is literally a 95% male employment process. I'm distressed by that; regardless of my personal politics, I don't think it's fair and appropriate.

How can you, given that we all have—and I don't mean bias or prejudice in a negative way; it exists. How

can that be a positive force on the labour relations board, given the fact that, regardless of employment equity or pay equity, the reality is that those persons getting layoff slips in this province are, not only disproportionately but severely disproportionately, women workers, especially in the public sector? Could you help me?

Ms Seville: In terms of the specific issue you've homed in on, the issue of layoffs and the impact on women workers in the public sector in terms of the economic downturn, I'm not sure that the labour board is really seized with addressing those kinds of issues. What I think I bring, both as a woman and a labour sidesperson, is an additional benefit to the board, which is my public service background.

I've been in a public service organization for 19 years. I have what I think is an in-depth understanding of how both the Ontario public service and the broader public service operate, what those workplaces are like. And you're right: In the broader public service and possibly in the OPS they do predominantly employ women. Quite frankly, that's why the issue of sectoral bargaining was such a critical issue for my union, because we saw it as one of the ways that we could seek over time to address some of the lack of bargaining strengths women have.

Mr Jackson: I know I'm running out of time, so I'll home in on a specific point. We've had promises from this government and maybe the last and probably the next that displaced workers in the health sector, for example, would get primacy in terms of re-employment. We've received nothing on that. Surely, when matters are grieved or taken forward to have a worker's legitimate right pursued when promises are made, there must be a role for the OLRB in that regard. I just wondered—

The Acting Chair: Mr Jackson, I would like to move on to the government party.

Mr Jackson: It's too bad, Madam Chair, because it's a matter that I—

The Acting Chair: If there's time at the end, we could come back. No offence.

Mr Gary Malkowski (York East): I would like to say congratulations on your position as a candidate for this position. I was wondering if you could tell us what you see as a vision for the OLRB, what kind of accountability system, or how you would be able to balance the perspectives of labour and business.

Ms Seville: I don't think I'm familiar enough with the internal workings of the labour board to be able to craft or set out a vision in terms of the board's function and/or purpose. As to how I would balance the issue in terms of employer and employee interests, I think there are things in my own background that lend themselves to my being able to do that.

While I work for a union, in fact I'm in the position where I manage or help to manage close to 250 employees who are under two collective agreements. As a manager, I'm frequently in the position where I have to make decisions where, on the one hand, while I come from a union culture and environment, on the other hand I'm also functioning as a manager and making decisions about the efficient running of an organization.

Over time, I think that has tended to mean that I look at things in a very balanced kind of perspective. I look at issues of fairness, but I also look at issues in terms of the need to function and continue to operate as an organization. I think in some sense I have a different background than possibly other labour sidespeople who strictly work on the kind of advocacy, worker side. I've had the opportunity through my position to really work on both sides of the street, if you would.

I was, and still am, I guess, briefly on the Liquor Control Board of Ontario, and my sense from the feedback at that board is that they have certainly appreciated the kind of input I have given and the role I have played at the board. I have not had the sense that they have seen that input as being narrowly based or partisan or only driven by one narrow focus and vision or agenda.

I think my actual experience that I bring to bear makes me a good candidate for the position of labour sidesperson to the labour board.

1030

Mr Daniel Waters (Muskoka-Georgian Bay): We've had some discussion on Bill 40. I'd like to go to CECBA, because it's been something I know, in my past experience with OPSEU and with other unions in central Ontario, they've wanted dearly for a long time some reform in. With the newly acquired jurisdiction the Ontario Labour Relations Board is going to have, do you see a major increase in the workload? How do you think CECBA is going to work when it comes to the board?

Ms Seville: There is a sense that the workload of the board is going to increase as a result of the board assuming responsibility for the Crown Employees Collective Bargaining Act. In some part, that may be why my name was put forward, because I don't think there's anybody currently—I could be wrong about this—on the labour sidespersons' side who comes from or has a public service kind of background. I don't know if that answers your question.

Mr Waters: That answers it. You were appointed at the same time as somebody from the management side. I believe two appointments happened—maybe somebody can clarify that for me—at the same time. Of course, you wouldn't have had an opportunity—

Ms Seville: I'm not privy to that, although I was told that at the same time that my appointment went forward, an appointment for an employer representative also went forward. But I wouldn't necessarily be privy to that kind of information.

Mr Waters: I wish you well.

The Acting Chair: Thank you very much, Ms Seville, for coming forward. We wish you luck in your appointment.

DAVID REVILLE

Review of intended appointment, selected by third party: David Reville, intended appointee as full-time chair, Advocacy Commission.

The Acting Chair: I ask that Mr David Reville come forward. We have one hour to review the intended appointment. Welcome, Mr Reville.

Mr David Reville: Thank you, Madam Chair.

The Acting Chair: Before we start, I would like to ask the committee if they would like to each have 20 minutes straight, or should we have 10 minutes in two rounds? What would be the pleasure of the committee?

Mr Sterling: Unfortunately, the Liberals are not here.

Mr Waters: I would suggest the two-round system. I think it gives everyone an opportunity.

The Acting Chair: Okay, we'll do that.

Mr Jackson: I think you should be flexible, though. If you're pursuing a line of questioning—

Clerk of the Committee (Ms Lynn Mellor): The standing orders don't allow flexibility. The time is divided evenly among the—

Mr Jackson: Oh, it is. But if you have two sessions, as a Chair myself, what I would do is that I've got 20 minutes per caucus, and if they use 12 then they have eight remaining.

The Acting Chair: We'll try to be very reasonable. We do have a stopwatch to help.

Mr Jackson: Madam Chair, you asked for direction from the committee and you took direction from your party. I'm suggesting to you not to cut off any members. You assume you'll be fair with the time, but for any of us, if a certain line of questioning is in the middle, to have it cut off is inappropriate, but if you will adjust accordingly—

The Acting Chair: I understand, Mr Jackson.

Mr Jackson: Thank you.

The Acting Chair: Mr Reville, if you would like to make some opening comments, please do so.

Mr Reville: This is a moment for which I've been waiting, as you might expect. I wanted to acknowledge the presence here today of some friends and colleagues, including three commissioners of the Advocacy Commission: Commissioner DiPede, Commissioner Labonté and Commissioner Capponi. I want to especially acknowledge the presence of some people from my own psychiatric survivor community; it's important that they're here today. There was a long time when we didn't get out much, so I want to thank them for their support today and over the years.

The Acting Chair: Thank you, Mr Reville. We will begin with the third party.

Mr Sterling: Mr Reville, how do you justify the cost associated with the Advocacy Commission, estimated to be somewhere between \$30 million and \$40 million per year that will be required, and at the same time the government—your government—has recently cut back in psychiatric hospitals the services to the mentally ill in the amount of \$52.6 million, bearing in mind that the Advocacy Commission will not be providing any real, hard service to anyone?

Mr Reville: I fundamentally disagree with your premise, Mr Sterling. The Advocacy Commission intends to provide advocacy services which I think are very real, and it is difficult, I think, to put a price on people's rights. It strikes me that one of the jobs of the commission will be to point out areas in which the government

has not done enough, and if it should be decided by the commission that services either for mental health or for other disabilities aren't adequate, you will be hearing from the commission about it.

Mr Sterling: So you are willing to withdraw health services in order to have advisers, is that correct? Is that your priority?

Mr Reville: No. I think you're offering me a false choice. First of all, I dispute the \$30 million or \$40 million figure. It may well be that much, once you roll in the obligations under the Substitute Decisions Act and the Consent to Treatment Act, and some of those functions will be offered by the public trustee and guardian. My understanding is that the Advocacy Commission is expected to have a budget of about \$19 million annually.

I think it's a false choice. Clearly our society wants adequate medical services provided and clearly our society has decided that it's time that people's rights should be protected as well.

Mr Sterling: One of the things that alarms me about this particular legislation is the tremendous power it puts into the hands of a commission which is basically unaccountable to anyone or any body. The commission will be operating out there on its own, and Bill 74 doesn't put very many reporting or accountability mechanisms there for the public to see. It's not very transparent.

I heard over and over again during the hearings on Bill 74 how this was to be an independent, autonomous body. In fact, in the poster which Elaine Ziemba put forward, the Minister of Citizenship, minister for seniors' and disability issues, the first paragraph of the poster says, "The commission will operate at arm's length from government, and a majority of its members, including the chair, will be recommended for appointment by a committee representing senior citizens and people with disabilities."

I then read a joint media statement from groups, including the Adult Protective Services Association, which includes about 160 workers who are advocating across this province and appeared in front of the committee on Bill 74, and they spend about 40% to 50% of their time in advocacy work as it is; AIDS Action Now; Concerned Friends of Ontario Citizens in Care Facilities; Ontario Association for Community Living; Ontario Coalition of Senior Citizens' Organizations; Ontario Federation of Community Mental Health and Addiction Programs; People First of Ontario; Psychiatric Patient Advocate Office.

1040

Those are the advocates who are there already, and it says in their statement, and they're complaining about the appointment process: "We further understand that the AAC did not attend fully to the question of possible conflict of interest in their choice of commissioners, neglecting to consider the importance of both the appearance and the fact of the commissioner's independence from the government and from service provider organizations which could at some time come under the scrutiny of the Advocacy Commission."

Mr Reville, you were a member of the present govern-

ment's caucus at one time, and I know you from that experience. I am not questioning your ability with regard to this job. I am just saying to you that in light of the fact that this commission is supposed to be fully autonomous, supposed to be acting without a political agenda, how do you possibly justify your appointment? As a former MPP for the NDP, as a close adviser to the Premier of Ontario, how on earth do you expect to divorce your political feelings when it comes to your very important and powerful job of advising advocates, of designing the program for advocates as to what they shall do or shall not do in advising vulnerable people in terms of decisions which could or could not have individual moral parts to those decisions?

Mr Reville: Thank you, Mr Sterling. You've raised a number of important issues in your question, and preamble too, and I would like to address them.

You start by talking about the extraordinary power in the commission. I want to say two very quick things about that. The point of the commission is to try and create some processes whereby people who have been powerless get more power, and those are the vulnerable people and the people with disabilities and the elderly who are frail.

In order to achieve that, the commission requires a certain amount of power of its own, and it does have extraordinary power; there's no question about that. The point, however, of advocacy is to act on the instructions of the client and to make sure that the client's wishes are followed. Given the way our society is ordered, on occasion there are very powerful institutions and forces up against which the vulnerable person comes. We know that to be true from all the experience we've had as legislators in learning about some of the horrendous abuse that has occurred and continues to occur.

We'll remember it wasn't all that long ago that it was commonplace for developmentally handicapped women to be sterilized; that was a decision that was supported socially for a very long time, and performed by caring professionals and supported by families. It wasn't until the case of Eve that society said, "No, stop, that's enough."

Transparency: You're worried about the commission operating opaquely. That is not going to be the case. The meetings of the commission are required to be public, with some minor exceptions. There will be an annual report to the Legislature, which can be reviewed in the normal course. There will indeed be an advisory committee composed primarily of care givers and family members, who are entitled to be involved in the policies that the commission designs and implements, and which also will table a report annually. There will be a complaints procedure, and involved in the complaints procedure will be the advisory committee, again composed of care givers and families.

The question of autonomy: This is a schedule 3 agency. It is the most autonomous kind of agency that can be created by the government. It will indeed be arm's length.

You commented on the Appointments Advisory Committee. I know what the legislation says about the

Appointments Advisory Committee, and I know you do too. I can comment only on my experience with the Appointments Advisory Committee, and I'd be happy to do that if you want me to.

In terms of the concerns of a number of the groups which are currently providing advocacy today—you mentioned APSWs, the adult protective service workers, there's the Ontario Association of Community Living federation, the Psychiatric Patient Advocate Office, Concerned Friends—they indeed have been the pioneers in this field of advocacy and have been working at it for a long time. In fact, it was a government of which you were a member that set up the first Psychiatric Patient Advocate Office, under the leadership of my pal Tyrone Turner.

There is no question that there are concerns that are relevant to the work those folks are now doing, and those concerns have to be negotiated with them and the commission as the commission gets started up.

In terms of your concern that my politics will get in the way of my work as a commissioner, I want to try and reassure you that I can figure out the difference between partisanship and responsibility. I was an advocate long before I was a New Democrat, which shouldn't surprise you; the two are somewhat related.

The Acting Chair: Just a point of order: We have now taken 11 minutes, and I would like to ask the third party if it would like to continue to its full 20 minutes, or should we move on?

Mr Sterling: Why don't we just finish this particular question and then we'll move on and then come back.

The Acting Chair: With whatever is left of your time.

Mr Sterling: David, do you not see the problem with the perception of your taking this job? What happens should the party which you represent, the NDP, be defeated at the next election? They're at 14% or 17% in the polls, so there's a good possibility in a lot of people's minds that the NDP government will not be there the next time.

What position does that put the next government of Ontario in vis-à-vis the Advocacy Commission? It doesn't matter what happens in terms of that you believe or I believe you can divorce yourself from this, but certainly the perception is there, and there's going to be conflict which will be created by the advocates' interventions.

Mr Reville: No question.

Mr Sterling: So every politician in this room, or anyone who survives the next election, is going to be on your neck or on the neck of the Advocacy Commission. Do you not think you are putting into jeopardy the whole idea of the commission by accepting this appointment?

Mr Reville: I don't. I want to remind you that the first Minister of Health I challenged was a man named Dennis Timbrell, who was a member of a Conservative government. Actually, Pat Capponi and I did a bit of a tent city out on the lawn to try and highlight our concern about the lack of affordable housing for people who had been in the mental health system. I have been able to advocate with politicians of every stripe that is available

in this province, and I'm not going to shrink from the challenge of doing that.

Mr Malkowski: Congratulations, Mr Reville, on your intended appointment. I have taken a look at your résumé and see that certainly you have a long history and quite a background in this field, and that in fact you bring a very holistic approach to the field of advocacy. Could you tell me why you feel it's necessary that this system be put in place? Do you see it as a response to Father O'Sullivan's report, for example, who was appointed by the Liberal government, the study that was done by Father O'Sullivan? Taking a look at some of those findings, do you think that is what resulted in the development of a system such as this? Could you comment on the need for it and where you see its roots coming from?

Mr Reville: I did note Father O'Sullivan's report in an article I wrote in the Star on May 31, 1990, when I called on the government of the day to establish the Advocacy Commission. But I think it's fair to say that although the Liberal government of that time recognized the problem, it was not the first government to recognize the problem. The Conservative government had long since recognized that there were cases in which advocacy was desperately needed and that was the reason for the development of the Psychiatric Patient Advocate Office, the adult protective service workers and the child advocates as well.

What I was trying to suggest in 1990 and what Father O'Sullivan was saying was that we didn't have a province-wide systematic approach to advocacy and that there were many people in need of advocacy who didn't fall into the right category.

1050

I think one of the exciting things about the Advocacy Act and the coming of the Advocacy Commission is that it's a recognition that when people are vulnerable, whatever the cause of that vulnerability, they may have need of an advocate to make sure their wishes are respected. In some cases the problem is horrendous physical abuse. In other cases it's more a matter of people not being able to convey their own views or get their views listened to.

The shocking thing in the Cedar Glen case, which sparked one of the longest inquests that has ever happened in the province, was that the advocate had advised the police of his concern about abuses over and over again. It seemed that because the people were vulnerable—in this case they were developmentally challenged or psychiatrically disabled—their concerns were not given any credence. Subsequently, the operators of the home were convicted and sent to jail and the little community was dispersed, but it took such a long time.

On its most dramatic level, that's the kind of thing that the commission is hopeful to prevent. On a more esoteric level, but maybe more important in the long run, I think one of the commission's roles will be to try and change societal value sets so that we begin to look at one another as a collection of abilities rather than a collection of disabilities.

Mr Malkowski: You've spoken specifically about the

vision of the commission. Can you just expand on that in terms of disabled people and access to information, be it access through a variety of languages—basically, a mechanism you would see being put in place to actually empower people, people with varying language and communication needs. What sort of model do you see being put in place so that it is in fact an enabling system, so we can be sure that also advocates are properly trained to be able to communicate with vulnerable people from a variety of backgrounds with a variety of needs? How do you see a system like that being put in place and working?

Mr Reville: Let me start with a little caveat. The vision of the commission has not yet been developed; it will be a combined vision of the commissioners and the stakeholders, so I don't want to be presumptuous here. But I can speak to my vision and I'm happy to do that.

I start with a very simple premise when I think about advocacy, and it is this: People should own their own lives. That's excruciatingly simple and it seems self-evident, but it clearly is not. You speak of the cultural differences in our society. It's absolutely critical that, first of all, the commission understands the different ways in which we live our lives in the province; it's an incredibly multicultural province. We are well positioned, it seems to me, because of the composition of the commission, to get a start on that just by sharing our own stories.

Mr Malkowski, you know from your own experience as an advocate that there are values in the community you represent which are not homogeneous. Your work on cochlear implants, for instance, is a good example of that, where in fact there are those who are working with the hearing-impaired who are fans of that procedure and then there are those who are very opposed to it.

None of the communities that the commission will represent are monolithic communities. In my own psychiatric survivor committee there are many, many different points of view: Some of us call ourselves survivors, some of us call ourselves consumers, some of us call ourselves ex-psychiatric patients, some of us call ourselves clients—that just gives you an idea of the range—and there are politics attached to each of those words, as members of this committee will understand.

I think what we are going to have to do on the commission is a whole bunch of learning, and we're going to have to keep at it as time goes on, and we will be in a position to reach out to groups that can tell us things that we need to know.

The Acting Chair: Mr Malkowski, I'd like to move on to Mr Owens.

Mr Stephen Owens (Scarborough Centre): Can I wait till the second round? You can put my name down for the second round.

The Acting Chair: If you prefer. We still have two minutes left in this round, so Mr Waters.

Mr Waters: I'll ask you a quick question, David. There's been a lot of discussion over the last couple of days about the cost of the commission and the qualifications of people. In terms of the commission, I see it—and correct me if I'm wrong—as that we're not going to see

a reduction in cost to the taxpayer or to the government over the next two, three, maybe five or possibly 10 years, but as people are moved from where they are now and through advocacy move into the mainstream of society and become more and more productive because those opportunities are there for them and society has changed—in my view, in the long run I think there's going to be a saving in dollars for society or for the government. And at the same time it's a win-win: The very people the commission was set up to work for, if we're successful, will move out into the mainstream and become productive members of society. I'd just like your comments, quickly, because we only have a couple of minutes.

Mr Reville: I don't want to make incredibly optimistic claims for what the commission may be able to do, although I do believe empowerment is a process, and I have seen some extraordinary results from the timely provision of quite a small amount of money. Pat Capponi yesterday mentioned the consumer survivor development initiative, which is a \$3-million-a-year project that employs somewhat over 300 people who before this were considered to be permanently unemployable. There was a woman here yesterday who is in one of the those programs who now supervises staff, owns a car, has an apartment, is spending her salary, and before this program was a bit of a recluse. So there are indeed those kinds of outcomes.

What I think should happen, though, over time is that the commission will be, really, a spokesperson for a new kind of citizenship where there's an understanding about participation, and because it works in tandem with two other pieces of legislation, the Substitute Decisions Act and the Consent to Treatment Act, every citizen in the province will have more control over his or her own life. To me, that's a wonderful thing, and whether those benefits can be measured materially or not is not all that important to me, although I think it can be shown that if you participate, you not only get benefits yourself but the whole of society gets benefit.

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The Acting Chair: We'll move on to the opposition party now.

Mr Conway: David, good to see you.

Mr Reville: And you.

Mr Conway: I want to make a couple of observations and then ask a couple of questions. This is a very difficult one for some of us, particularly those of us who have known you. I have worked with you in a number of capacities and think that in your time particularly as an elected member, you added a perspective that was extremely important and positive, and one, quite frankly, that in many respects I don't ever remember having heard or seen around the place before.

Interruption.

Mr Conway: The audience chuckles, and rightly so.

Some people will say, "Attack Reville because he's a former politician here now to take up a \$125,000-a-year job." Some people will say that. That is the obvious line of attack, I suppose, that one could take.

Mr Reville: But you're more subtle than that.

Mr Conway: No, subtlety is not one of my long suits, as I think you would know.

We had Susan Fish here yesterday. She's been nominated by the government to sit on the Ontario Municipal Board. I think that's a very good appointment.

Mr Reville: Me too.

Mr Conway: Susan brings a good perspective about municipal government, she's been a provincial cabinet minister, a member of this Legislature, and I think those are not disqualifying criteria. I have to tell you, though, that if I had some sense that Susan Fish had had a bad experience with the OMB, I probably would have been reluctant to have endorsed her nomination, not because she would not have been a good person, but I would have been concerned about her perspective to the job at hand.

At one level, I look at this and—I've got to have a little bit of fun at your expense. I was sitting there thinking, in my 20 years here, when have I last seen a situation where a former member of the Legislature, from the sainted NDP caucus—but when has any former member gone from elected office at Queen's Park into the Premier's office, in a significant and senior role, to this kind of order-in-council appointment? The only one I could actually think of, to be ecumenical, was a Liberal 25 years ago. His name was Jack Pickersgill. Jack Pickersgill was a very bright, capable fellow who had been a public servant. He'd been special adviser—

Mr Reville: Not much like me, though, I don't think.

Mr Conway: —to the Prime Minister of Canada. He then became a federal cabinet minister, and in the late 1960s he was putting the legislation setting up the Canadian Transport Commission through the House of Commons. Jack announced, after the bill was done, that there was only one person in the Dominion of Canada, then with some 18 million or 20 million residents, who could be the chair of the Canadian Transport Commission newly created by his legislation, and that person was J.W. Pickersgill, PC. Tommy Douglas and John Diefenbaker had a field day, the like which I could never match.

Mr Reville: Oh, I think you could.

Mr Conway: If Stephen Lewis were here today, I think he'd say, "This appointment is chutzpah with a capital C." That would be Stephen Lewis and that would have been the NDP, pre-government.

I think you will admit that there is a certain measure of chutzpah about this appointment, given all that your government has said about the new process, where one of the most senior, significant and sensitive positions within the competence of the Rae government to offer the 10 million citizens in Ontario just miraculously falls to David Reville, ex-MPP, now senior special adviser to the man who at the end of the day will decide this appointment.

I just make those observations because I think my old friends in the new democracy would want those observations made.

My concern, quite frankly, is not that we should not recommend former members of the Legislature, because Bob Nixon was appointed by your government, the Davis

government once appointed a guy named Morley Rosenberg to the municipal board. I think the public out there understands that there is a tendency in government to appoint its friends and just enough of its former enemies to make it look right.

My concern, I want to tell you, though, is about this commission. Let me say at the outset, I share with you and I suspect with all the people who've come again today to the committee the concern that's out there about all the horror stories that have been brought forward, there is no question. And when one listens to the news accounts of individual and institutional problems in this area, one is horrified to think that went on in our Ontario, and something clearly has to be done.

The question is, is this legislation and the commission that it created a proper and adequate and successful response to that? I don't personally believe it is the panacea that many believe it to be. I'm telling you, I have seen some situations recently with a number of government panels, both federal and provincial, the so-called rights movement—some of these human rights commissions are up to things that are, I think, as bad as or worse than the disease they seek to root out in the community.

So again my question and my concern: Is Reville, with his background, going to be sufficiently dispassionate and neutral, if I can use that word, to meet all the requirements in the public interest? I have to tell you, David, I really worry that what we are creating here is a commission of very deeply committed, proselytizing individuals who are going to right the wrongs of history in a way that may not advance the cause that I think everyone in the room hopefully has.

The Acting Chair: You have three minutes left. Is that a question?

Mr Conway: Yes, that is a question.

Mr Reville: It sounds more like a tour de force. My wife this morning said: "Do not engage with Mr Conway. He will kill you." I said, "Ha."

I actually have had some of those exact same thoughts, as you might expect. This is an appointment of some chutzpah. But you know what the process was here. It was an extremely unusual process, so unusual that when I applied for the job I felt I would have no chance of getting it. I was quite startled to find myself on a short list some time ago.

I imagine that I understand your fear of some red-eyed commission roaring around the province righting historical wrongs. There is no question that the people whose names I know who have been either appointed or recommended for appointment are deeply committed people, but they are also people who operate in the real world every day.

Mr Labonté works in the northwest on behalf of injured workers. You feel deeply committed to your colleagues who have been injured on the job, but you also know that in order to get the benefits they need, you have to work with a lot of institutional sectors of our society and that you have to be kind of strategic or you're just going to get squashed.

I think it is not impossible, as I'm sure you would agree, to be at one and the same time passionate and dispassionate. There is a world view, that I suspect is somewhat shared on the commission, about whose side the commission is on. There's no question, the commission is on the side of vulnerable people. But in order to deliver to vulnerable people the services and the rights they should have, the commission is going to have to deal with a very powerful judicial and health apparatus, and it's going to have to be strategic when it does that. I would be very unhappy, as I know you would be, if the commission were to retreat to the moral high ground and pontificate. I want to see results on the ground.

1110

Mr Conway: Given the sensitivity that's out there about this whole enterprise and the concern that's in the broad community about yet another intrusive, bureaucratic apparatus which, with the best of intentions, may in fact not solve the problems it was intended to solve, what thoughts, what strategy, have you got in terms of allaying that deeply felt public concern that many of us identify and many of us expect to have on our desks within a few months' time?

Mr Reville: That is probably the major valid concern about the commission, that in fact it will be intrusive in places where intrusion is not at all warranted. We all know that families, for instance, are the primary care givers in many instances, and you will have all talked to people from the head injury association and have heard the difficulty they have in caring for their loved ones. I can't imagine that the commission is going to have time to intrude on situations where things are working, and in the vast majority of cases that's what's happening.

Institutional situations are somewhat different. There is something about the way institutions are organized that they're not very friendly to people, either those who live there or those who work there, and we've had advocacy in institutional situations for quite a long time. It hasn't been the panacea we had once hoped, either. Many of us had concerns, when the PPO was first started, that it would not be independent of government, and in fact it was and still is located within the Ministry of Health, the very same ministry that's charged with providing the services which sometimes create the conflicts the advocates work on.

Yes, I think that will be the challenge: to calm the fears of the public that the commission is going to be overwhelmed with its political correctness and that it will be intrusive in a way that is harmful. But the commission sometimes will be intrusive. There are cases in which family members do abuse one another. There are cases in which a vulnerable person in a family does not get to have his or her wishes respected. And in those cases, and only in those cases, when the vulnerable person so instructs an advocate, then the commission will intervene.

The Acting Chair: Now we'll go to our second round.

Mr Jackson: David, welcome.

Mr Reville: Can I call you Cam?

Mr Jackson: We always have.

David, you and I both arrived here on the same day, and I believe during the five years we were together we sat on the same side of these committee tables and I sat on every committee with you, and I think I had one of those great opportunities to get to know you and to work closely with you. We worked together on the Mental Health Act when we had the opportunity to open it and mess around with it to try and fix it. We had the opportunity to do that with the Nursing Homes Act, you and I, and I can think of three or four more other acts over that five years, and I had the privilege to do that on social policy with Richard Johnston, as you know.

I have some concerns. If I may say so, we are friends and we've continued to be friends as we've passed each other in the halls in your new responsibilities advising the Premier of the province of Ontario, as I've seen you trooping down the halls from the second floor of this building on many, many occasions advising the government of the day on health policy.

Mr Reville: That's not correct, but carry on.

Mr Jackson: I have had occasion to travel with you, even to Kingston. We travelled together, as you pointed out, to your former residence, and you enlightened me in a very personal way.

Mr Reville: Could you be more specific about that? There are a number of facilities in Kingston.

Mr Jackson: I'd rather leave that open-ended. It gives you more flexibility.

Mr Reville: It was just a roll of the dice, Cam.

Mr Jackson: Having said all that, I have concerns about the issue of your involvement advising the government of the day in and around matters dealing with health and social policy. Although Mr Conway has highlighted one aspect of it, I want to take it one step further, because I believe you share some of the ownership of some of the major decisions that have been made by the Bob Rae government; some you will be very proud of and some you won't wish to discuss in great detail.

My fear in all this is that as you move so quickly from one role to the other, at this critical stage, the coming out of the Advocacy Commission, I have some serious concerns about whether this appointment becomes in and of itself an inappropriate focus and detracts from what I believe are the essential elements of a needed service.

I want to qualify why I think advocacy has become more critical and has changed its face across North America. There are many social scientists who are stating and showing with evidence that the abuses we are referring to in these hearings, that you've referred to and others yesterday, occurred in the 1960s, the 1970s and the 1980s. We've had mountains of legislation and we've had major reforms. But as the government contracts itself and as society demands put more pressure on prosumers instead of consumers and so on and so forth, in fact the real people who need advocates are those people whose lives are being directed by government. I don't want to get into a philosophical debate on that.

Mr Reville: Why not?

Mr Jackson: It just puts the Advocacy Commission in the 1990s, in 1995 in the province of Ontario, in the

position where a disproportionate number of the cases are going to be the need for an advocate to intervene to help citizens with the way they're being treated by government, and, quite frankly, being treated by a government whose policies are just now being felt by the citizens of the province, the very government you've been assisting and supporting in this critical area. This is the area of the conflict that concerns me. It concerns me greatly.

I will go to what I believe will be an event, perhaps in this room, in the fall of 1995, when a legislative committee comes forward and examines how many people you've hired, how large your budget, how many people you've actually assisted. Although it may be premature to drag you in at that point, it becomes an inappropriate circus, the focus of which is your appointment and what is or is not being done about many of the decisions made by the Bob Rae government that citizens are having to deal with on a daily basis in this province.

I have one example to give you, if time permits, dealing with a matter that you and I discussed and raised about the Nursing Homes Act, the fact that under long-term care reform we are putting psychiatrically disabled in with chronic care patients.

There are some serious questions about how to advocate when there is violence or dysfunction between these two special-client needs. That strikes at the heart of perhaps the disproportionate representation or—I think some polite words have been used about the intrusiveness, where you and the commission, with your dedication and your background, might fall down on that line with respect to decisions for the frail elderly over psychiatrically disabled individuals in, for example, many of the institutions across this province.

I've thrown two specific issues at you. I'd prefer you to deal with the first issue of my concern first. If time permits, we can get at the other one.

The Acting Chair: Unfortunately, Mr Reville only has 30 seconds to respond.

Mr Reville: Maybe somebody else would give some time, because I think Mr Jackson raises some important questions.

I'm going to answer the second one first, because I remember it more clearly than the first one. I don't think the commission is overweighted on the side of psychiatric survivors, exactly.

Mr Jackson: No. For the record, just its leadership.

Mr Reville: There are members of the commission who are elderly. There's a gerontologist. I suspect that what will happen is that the commissioners will spend an initial period of time learning a lot about each other's stuff and that scales will fall from our eyes as we do that.

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I do think it's a problem, and this is not a new phenomenon, actually, that there are people in nursing homes today and retirement homes and rest homes who are behaviour management problems, and there is inadequate staff and training to deal with that and it makes for an unpleasant and sometimes dangerous situation for everybody there. I agree that that's the case, and it may well be something the commission has things to say about.

The other thing, though, that maybe was more important in terms of your question, was, am I a distraction to the work the commission needs to do? It's possible that I'm more distracting to you, actually, than to the public at large.

Mr Jackson: Ernie Lightman would be less distracting to me. I think those are the kinds of people we're looking for for the commission.

Mr Reville: I know Ernie Lightman. Ernie Lightman did write an important report for the government, commented on my work within his report, and obviously has valuable things to offer us as a society.

I think the reason I'm distracting, if I may be somewhat self-indulgent for a minute, is that I've had kind of an odd career and that I've talked about my own psychiatric history in a way that has been quite unsettling for people throughout my political career. But it hasn't been unsettling for me, nor has it been unsettling for those with whom I've worked. I've sort of had parallel careers, where I have never stopped being an advocate—and I did supply a list to your committee of some of the things I've been doing over the last few years. While I was doing things like basketball negotiations on behalf of the government, I was also speaking at symposia about issues that relate to advocacy and patients' rights.

I've been able to manage that, throughout the partisanship of the business you are in and that I have been in, and actually maintain a pretty solid footing as an advocate and not ever worry about commenting to governments of the day about where I think they haven't done enough or where I think they've done things inappropriately or inadequately.

The Acting Chair: Thank you, Mr Reville. I've been very generous. I'll move to Mr Owens.

Mr Owens: I'd like to welcome you, David, to committee. Much has been made this morning about your connection to the government and to the New Democratic Party. My question is about the clients you're going to serve. Having read Pat Capponi's book and some of the nice things she said about you, do you think Pat Capponi and the clients Pat works with through the Gerstein Centre, through her work with clients on the street—do you think it really matters a tinker's dam whether you're a member of the NDP or not?

Mr Reville: I don't know. My experience with the survivor community was that the survivor community was not party political and in fact didn't vote much. That actually was part of the problem: that there was not a lot of participation in society. That community is a community in which I have been embedded all these many years, 27 years. I have friends in the community and I also have people who disagree with me violently in that community, as you might expect, and they've always been bemused by my political side. The fact that I was a party politician and that I went to conventions and stuff was always kind of puzzling to them, as I suspect those kinds of things are puzzling to almost everybody who's not active in politics.

I think I'm pretty straight out. People know what they hear and see, so I'm not really worried that the commun-

ities are going to be off-put for very long by the fact that I'm a New Democrat.

Mr Owens: You described your career or life as somewhat unsettling to some folks. I actually find it quite refreshing, some of those less well polished sides of you.

Mr Reville: That's a bit of an act, though, Steve.

Mr Owens: When I spoke to you on the phone after the news story, I described you as a person who won't be bureaucratized by the system or mesmerized by the powers you will be able to wield. One of the things I found instructive, both through the public hearings on the Advocacy Act and my subsequent involvement with the Residents' Rights Act—they talked about intrusiveness, people feeling that you and your commission will be intrusive and that things like empowerment were not good words, that providers knew exactly what people needed and how to give it to them and how they needed to be protected.

You were asked a little earlier about your vision, and I'd like you to expand perhaps, using that framework I have provided for you in terms of your experience with the community and working with groups and individuals like Pat Capponi.

Mr Reville: I've been lucky to have experience that is both broad and deep, deepest, obviously, in the psychiatric survivor community and in mental health issues, but because of my political career and because of some community activism I'd been involved with before that, I've had lots of opportunity to sit and talk to people from many different communities. I remember, shortly after I was elected to the Legislature, sitting down with the head injury association, which was a fairly new association at that time, and they were just getting started on trying to figure out how to lobby government for services that the people they cared about needed.

I said in response to a question from Mr Malkowski that I start with the premise that people should own their lives. A more sociological way to describe what I'm saying is that what I'm concerned about is structural inequality. To get even fancier, I think what we are facing and what is beginning to happen is a paradigm shift, and it's part of the consumer movement where consumers of all kinds, whether they have specific disabilities or not, are saying: "Wait a minute. I know what I want. Don't you tell me what I should have."

There are lots of cases in which care givers, almost always well-intentioned, prescribe regimens which in fact the recipient doesn't understand and might not want, so the question of informed consent becomes really critical. As you know, one of the roles of the commission will be to provide rights advice, but it won't be telling anybody what to do. God forbid. That would perpetuate the very wrong we're trying to deal with.

But in order to make a choice, you have to know what they are.

Mr Owens: That's right.

Mr Reville: Somebody was trying to catch Pat Capponi on the electroshock matter yesterday. Pat rightly answered that what she wanted was for people to have a choice, to make an informed choice: "Do I want this?

What does it do? What doesn't it do? Or don't I want it, and do I have the right to say no?" In many of those kinds of institutional situations, you just try and say no to something and find out what happens to you; it's not a good strategy to say no. That's where the advocate comes in: somebody who can take your no and make it hurt.

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Mr Malkowski: Just to follow up on a point that was raised by the member from Renfrew, you had talked about bringing to the House a fresh perspective, and I would certainly agree with that. As an appointee, you certainly will bring that perspective.

One of the things we may be dealing with is a fear of the unknown, be it from family members or care givers. There is a fear out there of the unknown in terms of what this commission is all about and the perspectives that may be brought by the commission, the balance between the view of the vulnerable people you'll be dealing with and family members and care givers. Can you address that issue?

Mr Reville: I think one of the key jobs of the commission will be to get out around the province and talk to people about what this idea is. I have had a chance to meet some of the commissioners and there are among us those who will do a fine job of talking to people about what the commission is all about.

I agree, I think there's a horrible fear of the unknown. I also agree that there is a tension, and it's felt most strongly in families. I'm a family member too. I know the despair you can feel about one of your loved one who's in trouble, and you want what is best for them. It's very difficult when what they want is something different from what you want. Over the years I've heard thousands of honest, compelling stories from family members, and what they describe is their concern for one of the members of their family and their worry that the services are not timely or adequate. That's genuine stuff, and that's some of the stuff with which the commission is going to have to grapple.

Mr Conway: David, let me be clear. My principal fear here is not of the unknown; it's of the known. It's David Reville, a bright, colourful, eclectic, passionate individual when it comes to this subject, a man who's provided us with a list of very interesting speeches. I didn't hear all of them, but I can imagine, when you delivered that speech about the politics of mental health, a speech you can eat with a fork, it was an experience to be part of.

Mr Reville: They didn't get it.

Mr Conway: They may not have got it, but my point is that I'm trying to make the concern that I think a lot of people are going to have: that this is an enormously significant, sensitive body, and you, with your background, your commitment, your perspective, are going to be heading this commission.

I'm trying to think of an analogy that might make sense to people like yourself and others. I can imagine the government, for example, appointing me, Conway, in charge of settling the question of parliamentary pay. I have a feeling that Bradley and Reville and Sterling

would go apoplectic because I am known to have a view on the subject, one I feel rather strongly about. I know from past experiences that probably you and I don't agree, and I suspect there would be very strong objection to my appointment, not because I'm not viewed as a reasonable, good person, but not on that subject. No, no. Conway on the subject of parliamentary pay and perks cannot be taken as any kind of moderate mainstream.

Robert Bork was a very considerable lawyer and jurist, but when Reagan nominated him to the Supreme Court there was a firestorm, because it was felt, in this case by the centre left in the United States, that Bork on the Supreme Court was absolutely guaranteed to bring that political perspective that we don't want in that function.

When Billy Clinton suggested that maybe George Mitchell could go to the Supreme Court, I'll tell you, the Republican right said: "Yes? Well, you just nominate him." Nobody's saying that George Mitchell is not a capable fellow—Senate majority leader, good lawyer—but George Mitchell on the Supreme Court of the United States? "No, you'd better not try it, Mr Clinton. I think Judge Breyer's a better bet," and he turned out to be a better bet in terms of the confirmation hearings.

My point continues to be how it is that you, with your background, your view on this subject, can be expected to be taken, as you will have to be taken if this job is going to be succeeded at, by the broader community, which I think is going to be concerned about just how balanced and how neutral you are going to be in the broad public interest as you go about discharging this enormously difficult, sensitive task.

Mr Reville: Madam Chair, when we were on the House leaders' panel together, Mr Conway used to read to us from Tip O'Neill's works, an immensely erudite gentleman, although I don't feel I'm in the same category at all as Robert Bork.

I guess we're having a fundamental passing in the night here. I can't imagine why it's a problem for you for the commissioner—a commissioner, the chair of the commission—to be definitively on the side of vulnerable people. I can't imagine why that should be a problem. I think you know me to be quite extraordinarily sensitive to people's views, and I don't believe I'm going to have trouble dealing with anybody, and there will be lots of pretty powerful people to deal with, including those in my own community who, as I've said before, disagree with me profoundly on occasion.

Mr Conway: Arthur Maloney was one of the most eminent lawyers the province and country ever produced. He was nominated by Bill Davis to what I like to call Vernon Singer's revenge, the Office of the Ombudsman, that advocacy commission that was established 20 years ago to establish a counterweight to government in all its insensitivity. Arthur Maloney was an Ottawa Valley compatriot of mine, and I well remember, and I'm telling you, as you weren't here at the time—

Mr Reville: I remember the appointment.

Mr Conway: —I remember a number of people around the government at the time saying, "Wow." That was an appointment that was quite significant, and quite

frankly, it was felt in some quarters that he was a very fine fellow but just in the wrong job, because he had a view that was just so one-sided when it came to the issues as between the citizen and the government that it was not a very happy relationship. In fact, it wasn't a happy relationship for a lot of the time even in this very room with members of the Legislature.

The question I still have is, how are you going to allay those concerns out there in the broader community, wonderful fellow that you are, fascinating background that you have had, that you're going to be able to head this commission in a direction that is going to on the one hand relieve many of the horrific injustices that have been visited upon vulnerable persons, and on the other hand bring the broader community alongside so that they just don't think, "Another social engineering, government intrusion that is going to drive us up the wall"?

Mr Reville: I guess that will be a question that will be answered over time.

Mr Conway: The Ontario Psychiatric Patient Group has submitted some information which indicates they're not very happy about the process that has led to a number of the appointments to the commission. Have you had a chance to survey that material, and what would you tell the committee in terms of that?

Mr Reville: I think you mean the Psychiatric Patient Advocate Office?

Mr Conway: Well, we have been supplied with some materials here. We've got a memorandum dated September 1; there's—

Mr Reville: Oh, I'm sorry. The Ontario Psychiatric Patient Group. It is a group located in Oak Ridge.

Mr Conway: Mr Don Everingham.

Mr Reville: I'm familiar with the views of Mr Everingham. I know Mr Everingham is concerned that once the commission is in place the level of service he currently enjoys will decline. That's a legitimate concern he has, and it's something the commission has got to figure out.

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Mr Conway: In fact, the material would suggest that his concerns are somewhat more deep-seated than that. I read this to suggest that he's very unhappy about the nomination process. He raises a concern about potential conflicts of interest that some nominated commissioners might find themselves in.

Mr Owens: Let's have an inquiry.

Mr Reville: Oh, Steve. The nomination process was indeed novel. I'm not aware of another occasion in which stakeholder groups got to elect people to sit on a committee and then review applications for a commission. I don't know that that happens very often, so it is a novel approach. All I can comment on is my own experience with the Appointments Advisory Committee, which I found to be extremely rigorous.

Mr Conway: It's a \$125,000 opportunity to serve Her Majesty's subjects and it certainly was a novel process. As I say, for those of us who remember those old-time New Democrats, we fantasize about what they would say

about a process in which a distinguished former member of the Legislature turned senior special adviser to the Premier just magically emerged from this novel process as the \$125,000-a-year man to undertake this process. Stephen Lewis, Jim Renwick, wherever you are, smile and understand that in Bob Rae's Ontario things have changed and some things appear not to change.

Mr Reville: What could one say?

The Chair (Mrs Margaret Marland): Thank you, Mr Reville, for your appearance before the committee this morning.

PATRICK MAURO

Review of intended appointment, selected by third party: Patrick Mauro, intended appointee as member, Northern Ontario Heritage Fund Corp board of directors.

The Chair: Good morning, Mr Mauro, and welcome to the committee. You may make a brief opening statement if you wish, or we will just start rotation with questions.

Mr Patrick Mauro: That's fine.

Mr Jackson: Mr Mauro, thank you for making the trip down for this appointment and the interview. Could you enlighten us about how you found out about the appointment and reasons for your interest in this appointment?

Mr Mauro: I have a small business in northern Ontario. I know Shelley and she knows us quite well. Her office phoned me and asked me if I would be interested. I said I'd have to think about it and I'd get back to her, and I got back to her and told her I would really be interested, because I am a businessman in northern Ontario and it is quite interesting. I have a lot of interest in this field and I think I could be an asset to this corporation.

Mr Jackson: Who specifically at Ms Martel's office phoned you?

Mr Mauro: Andrea Valentini.

Mr Jackson: Were you aware of the Northern Ontario Heritage Fund Corp at the time of that interview, or at what point were you able to get information about it to realize the full extent of your area of responsibility?

Mr Mauro: I wasn't quite aware of it—I'd heard of it in the news media—but I've been filled in a lot by a gentleman by the name of Stewart Kiff.

Mr Jackson: Is there remuneration associated with this appointment?

Mr Mauro: I don't understand.

Mr Jackson: Is there a per diem or travel expenses for meetings?

Mr Mauro: Yes, I believe there is.

Mr Jackson: Do you know how much that is?

Mr Mauro: I believe it's around \$200 plus expenses.

Mr Jackson: How frequently do you believe you'll be—

Mr Mauro: I was told once every six weeks.

Mr Jackson: Very briefly, what are some of the decisions that are made by the Northern Ontario Heritage Fund Corp?

Mr Mauro: What I understand is that they have to decide on moneys allocated to new businesses such as manufacturers to help them get started in the north. I'm not totally aware of all the specifics, but basically that they have loan guarantees, forgivable loans.

Mr Jackson: I notice that you were a volunteer firefighter.

Mr Mauro: Yes.

Mr Jackson: You weren't a full-time firefighter in Capreol.

Mr Mauro: They call us "volunteer," but we're actually part-time firemen.

Mr Jackson: Yes, and that you worked in a family business that your parents ran.

Mr Mauro: And I helped run, yes.

Mr Jackson: Subsequently, it looks like you became a Pro Hardware franchise and you've assumed responsibility—

Mr Mauro: Of a second location.

Mr Jackson: Do you manage the second location?

Mr Mauro: That's right.

Mr Jackson: When did you assume that position?

Mr Mauro: We've been in business at the second location for one year, but previously I've been in business for nine years with my family.

Mr Jackson: Do you know if there are any other persons who've applied for this position?

Mr Mauro: No, I do not.

Mr Jackson: You were just told that they'd like you to apply if you were interested.

Mr Mauro: That is correct.

Mr Jackson: You threw me for a loop when you said, "I was called by Shelley," that you know her well and—

Mr Mauro: Yes.

Mr Jackson: I do too. That's fine.

Mr Mauro: She's from Capreol, so we all know her.

Mr Jackson: So you've known the family a long time.

Mr Mauro: Yes.

Mr Jackson: Are you actively involved or a card-carrying member of any political party at the moment?

Mr Mauro: No, I'm not.

Mr Jackson: That completes my questioning. Thank you and good luck, Mr Mauro.

Mr Waters: With the Northern Ontario Heritage Fund Corp, one of the things is that it covers all of the north. I look at you as a person who—if I'm not mistaken, you were in Elliot Lake or someplace at one point, and now you're in Val Caron?

Mr Mauro: No, Capreol.

Mr Waters: Capreol and Val Caron. In the south it would be a major distance between these two communities, so you would be able to bring to the board a perspective of two relatively small communities, one quite remote, and Val Caron is just outside of Sudbury.

Mr Mauro: That's right.

Mr Waters: So one would be a suburb community. You would be able to bring the perspective of the small businessperson from both of those communities to the board. Therefore lies my question: What does the small businessperson in both of those communities feel the northern Ontario heritage fund should be doing for the north? In that respect, what would you be bringing to the board?

Mr Mauro: I'll answer the latter part of the question first. I feel that my little bit of background in small business could relate to the board the needs and the amount of dollars it takes to get a business started. It's astronomical. It's really hard for any new business to get started, especially in the north, because we don't have the population and money like southern Ontario has, the resources. I think they could help any new business start up. I'm sorry, I missed the first part of that question.

1150

Mr Waters: What I'm getting at is that, to me, you have unique experience. I come from central Ontario. In the north you tend to live in one community for life, almost. You bring an experience to the board—there could be other people, but I'm not aware of them. Capreol is a relatively isolated community. Val Caron is a suburb community. Do you see major differences in the needs of the people, the communities and the businesses, between those two?

Mr Mauro: For sure. Val Caron is growing, Capreol is not. Any incentive the government could help the businessman with I think would be a great asset to any business. I'd also like to say that I compare, say, in term of physicians and doctors: To bring them up to the north there are all kind of incentives the government has for them. I think this heritage fund is a good incentive for businesses to get started up in northern Ontario.

Mr Waters: This is going to be an unfair question. If I remember correctly, Capreol is a railroad town.

Mr Mauro: Yes.

Mr Waters: We have gone through a situation in Elliot Lake where the main employer closed down: the mines. There's been a transition in Elliot Lake, with the assistance of the government, to a retirement community and looking at other forms of sustaining that community. As a long-time resident of Capreol, do you see any help or any hope because of the federal pull-out in rail?

Mr Mauro: Good point. I hope they do have something for any business to come and purchase the shops in Capreol. There's a lot of money tied up in that shop and there are a lot of jobs at stake. If you take \$1 million of salaries every two weeks out of Capreol, that affects the local economy drastically, such as Elliot Lake. Any type of incentive to keep this thing going, opened, I think would help out the community, but not just of Capreol, also of the outside towns: northern Ontario totally, basically, from Thunder Bay on. They should have some kind of incentive for business to start up, and this is a good program.

Mr Waters: So you do have a knowledge of the mandate of the northern Ontario heritage fund and its

subcommittees and all of those things that make up the fund, and you have a vision. What I'm starting to hear is that you have a vision as a small businessperson who has been in two areas, one remote and one a more urban area, that there's a place for the fund, a future for communities, and that it will help small business and indeed large business to relocate to the north and provide the economic recovery that some of these communities so desperately need.

Mr Mauro: Yes.

Mr Waters: Those are all my questions.

Mr James J. Bradley (St Catharines): I have a question about government programs, because I think everybody experiments with them to see if they're effective or not. Sometimes when you're in a community and you're in business and somebody else in the community is the recipient of government largess, it gives that business a leg up on the other business. The Canadian Federation of Independent Business was making a comment about the northern Ontario heritage fund, saying it distorts a local marketplace and puts non-recipients at a disadvantage.

In your experience, has this been the case, that those who don't receive money from the government or from this fund are placed at unfair disadvantage compared to those who do receive funds from the government?

Mr Mauro: That's a good point. That is a really big issue that has to be looked at, but if it was properly monitored how much was given to that business in need of it and to the town supporting the business or vice versa, I think it can be done with an equal balance there—more like a loan and not just a lump sum of non-forgivable loan, not to say just, "Here, take the money and run" type of thing. If it were properly controlled, I think it would work, it would work properly, and not, as you say, a leg up where one business would benefit more than the other business. I think for a startup business it's fine or for expanding businesses. There's nothing wrong with that.

Mr Bradley: Going in a different direction: When immigrants come to Canada, the overwhelming majority go to places such as Toronto or Vancouver or, to a bit of a lesser extent, Montreal, and seldom, as was the case in the past, to places like, for instance, Sudbury, my old home town. You had people coming from many places. Immigrants to this country often settled in northern Ontario. It appears that trend is not as pronounced as it once was.

Do you think the heritage fund could be a vehicle whereby people who had entrepreneurial skills and wished to establish businesses would be lured to northern Ontario and not simply come to Metropolitan Toronto or Vancouver or other large metropolitan centres?

Mr Mauro: It's actually, as you say, "lure" in a lucrative sense, but I don't see it like that at all. But I think it would help bring people to the north. They have a lot to offer. It would help. I think this is a great program for anyone to get started.

Mr Bradley: Another issue about this is the political considerations. To your knowledge, are there political

considerations given as to who gets funding from the heritage fund, in your experience? I'm not making this accusation. It's just that whenever you establish these funds—I don't want to get into too much of a partisan thing, but I can remember that there were complaints in northern Ontario about the previous federal government and the way it was dispensing funds across the north, that there was a very high partisan component. I can't personally verify that. In your knowledge with the heritage fund, is that pretty well absent?

Mr Mauro: There's nothing, to my knowledge. I've never heard of that.

Mr Bradley: Another question: I've heard people from the north, still residing in the north, make this argument, and I'm interested in the perspective of a person from Capreol, a relatively small town, that kind of perspective, whether a lot of money should be spent saving small towns that in effect have their only business going out of business, or whether money should be spent in consolidating significant—significant in terms of size—northern centres?

As an example, I've heard people say we're going to spend a lot of money to save Wawa, whenever the operation closes down Wawa, which it threatens to do all the time. You could have government spending a lot of money to keep Wawa alive somehow, or you might say the money is better spent in Sault Ste Marie or Sudbury or Thunder Bay or something. Do you have any views on that, whether that's money down the drain or whether it's worthwhile trying to keep those smaller places afloat?

Mr Mauro: As long as they have a good business proposal for these small towns, a business plan, because every business needs a plan and a strategy to stay afloat, and as long as once a year they get audited by the heritage fund to show how much money they're making and how much money they're losing, I think it's fair.

It's fair to say that money should be put into these small communities, not to just let them shrivel up and concentrate on bigger centres. The north is huge, and there are a lot of communities struggling right now.

Mr Bradley: Should the money from the heritage fund be used to address environmental concerns in northern Ontario?

Mr Mauro: Such as?

Mr Bradley: Such as old mining sites that are in pretty bad shape, the tailings areas and so on. Should the money come out of the heritage fund to address those environmental problems? Heaven knows, it's not coming out of anywhere else.

Mr Mauro: That's a good point. I really can't comment enough to know about that. We would have to debate it over time, get some viewpoints. I can't comment on that. I'm sorry.

Mr Bradley: Could you comment on the proposal that has been made to send by train to Kirkland Lake the waste of Toronto, the garbage of Toronto, for recycling and reuse purposes, and of course disposal purposes as well? Do you have any comments on the economic viability of that or whether it's, in total, useful or not, in your opinion as a northerner?

Mr Mauro: I think Toronto should keep its own garbage and not send it—

Mr Jackson: And its own jobs.

Mr Mauro: That's right. I know they want to create jobs up here in the north, but go about it in an environmental way and not by shipping it up north. That's a Band-Aid solution. Eventually we're going to have a problem up north, so let's prevent stuff. There are other ways, I'm sure. There's blue box or incineration, whatever, but they'd have to come up with—

Mr Bradley: Incineration is a swear word with the Ontario government, to tell you the truth, and with others, I might say.

Have you ever been involved with the New Democratic Party?

Mr Mauro: No, I have not.

Mr Bradley: That's an asset right there. Thank you very much.

Mr Waters: Try to be nice.

The Chair: Are there any other questions? Thank you very much for your appearance before the committee, Mr Mauro.

We're recessed until 2 o'clock.

The committee recessed from 1204 to 1411.

LINDA PUGSLEY

Review of intended appointment, selected by third party: Linda Pugsley, intended appointee as full-time vice-chair, Environmental Assessment Board.

The Chair: Welcome to the committee. If you wish to make a brief opening statement, you may, or we can just start in rotation with questions, whichever is your preference.

Ms Linda Pugsley: Questions will be fine, thank you.

Mr Jackson: Linda, welcome. I should indicate to the committee I have a bit of a conflict of interest.

Mr Bradley: Again?

Mr Jackson: Yes, again. It's amazing how many good, qualified people I know personally.

Mr Bradley: Are you any relation to Ed Philip?

Mr Jackson: No, and now there's a person that I'd have a conflict with no interest. Linda, Madam Chair, at what point did we lose control of this committee?

The Chair: Well, I think it was some comment you made, Mr Jackson, but I'll get everybody back under control again. Order.

Mr Jackson: Okay. Thank you.

The Chair: Mr Jackson has the floor, and I think, seriously, ladies and gentlemen, it's a little hard for Ms Pugsley to hear us.

Mr Jackson: Ms Pugsley, you've been appointed to the Environmental Assessment Board now for—this is your fourth year?

Ms Pugsley: Second year.

Mr Jackson: And you're now moving into the position of vice-chair, and the current chair is also from Burlington, is she not? Isn't Mrs Allingham from Burlington? Or I call her Joan Allingham.

Ms Pugsley: I think you mean Mary Munro.

Mr Jackson: Oh, is Mary—

Ms Pugsley: Mary was our executive vice-chair, but she has just recently retired.

Mr Jackson: Oh, I apologize.

Ms Pugsley: It's the Niagara Escarpment Commission Joan is with.

Mr Jackson: All right, yes, you're right. But we did have two from our community and now we have you. Thank you.

Tell us, if you will, please, what your first two years were like and why you feel you're able to come forward to fulfil the responsibilities of vice-chair.

Ms Pugsley: I was very fortunate in my first two years to gain a lot of hearing experience under many acts. I've just finished a year-long landfill hearing. I think the experience has certainly been a learning experience for me. I certainly enjoy the work and I think my experience that I've gained as a part-time member will certainly help me if I become a full-time member.

Mr Jackson: Recently the government tabled substantive land use amendments in Bill 163 that have implications for the Environmental Assessment Board. Has the board had occasion to look at that legislation and consider some of its impact, given that your board's mandate was referred to and will be slightly impacted by this omnibus Bill 163?

Ms Pugsley: Well, certainly the material has been distributed to the board, but during the summer we haven't had board meetings. But I know we'll be discussing it. I don't think the board's view would be that it has an impact on the board particularly, but the board welcomes the fact that the environment is going to be looked at at the local level.

Mr Jackson: As I understand it from having been on the committee for a couple of weeks, it will limit to a degree the number of applications made before the board and it will, on the other hand, indicate, with policy priorities for the province set out, a bit of a provincial override so that some matters which are being referred to the Environmental Assessment Board will not necessarily have to be. That's only my perception, having sat through some of the public hearings. I will assume that your board will be looking at it in more detail once you reconvene.

I really don't have any other questions, Madam Chair, other than the fact that I know the deputant and I know of her community-based work, both an extensive background with ratepayer groups and as an elected official in our community, and I fully support the application. Thank you. Continue the good work.

Ms Margaret H. Harrington (Niagara Falls): Thank you very much for coming before the committee. I certainly believe your position is a very important one.

The first item I wanted to address was the issue of intervenor funding at public hearings. Does your board make decisions, then, on who would get intervenor funding?

Ms Pugsley: Yes, that's correct. Usually, a panel of

the board that is not going to be the hearing panel is a panel that would hear the applications for intervenor funding.

Ms Harrington: What is your view on how and when this should be given out? I can see a great value to it, because citizens do have to have resources in order to go up against either companies or municipalities. But also there is a great deal of public concern around that issue as well, I would think, so I just want to hear your ideas about it.

Ms Pugsley: Well, I believe in intervenor funding and I think the Intervenor Funding Project Act has been successful. I know not everyone is happy with it. Proponents may think they have to pay too much and intervenors think sometimes the board directs what evidence is going to be heard by what funding they provide. But my experience with intervenor funding has been that it has been very successful and has been able to avoid duplication of evidence.

Probably the hearing process could be shortened if perhaps there were—I don't know what to give as a name for it—pre-intervenor funding at an earlier stage, maybe before the EA is even submitted, so that you maybe could narrow the issues earlier and find out the parties and the people who are concerned earlier, and hopefully by doing that you would shorten the hearing process because some things may be able to be resolved. Am I answering your question?

Ms Harrington: Yes. I think you've gone into alternative ideas. The general public is very concerned about the layers of red tape and the processes involved, and of course the amount of public time and money that is spent. The general public knows, I believe, that the Environmental Assessment Act is for their good, and overall they realize that it has benefited our society a lot, but they are still concerned about the process, its length and its cost. If you as an official can look at other ways of getting people together, as you say, before the process even begins to see what common ground there is so that things in fact don't get out of hand sometimes and more problems are caused, I think that's a very good idea. So my suggestion to you, as an official, is if you would take into account the public's desire to have good protection but in a very efficient way.

The other question I was going to ask you is about the board of negotiation, whose mandate is to negotiate settlements where contaminants cause damage to livestock or crops. Is that a separate board, or how does that fit with your board?

Ms Pugsley: It's an appointed panel of the Environmental Assessment Board that does that, and it is anyone who is named by the chair.

1420

Mr Waters: I'm going to talk about one particular issue, and it's called site 41 in north Simcoe. In the late 1980s there was an EA done on it. It was completed near the end of the Liberal mandate. They, in cabinet, I believe, opened it up again because of the situation where you have to use—I believe the problem was that the person who chaired it the first time had to chair it the

second time, or the pair, and one had retired and the other one was ill. Hence, I think it was 1993 before it started to be reviewed and it's still going on to this day, and as the public in my community are saying, when is this thing going to come to an end? I guess I would like your comments on how you can turn this around. I know it was a political decision to open it up, but the fact that we had to go back to the original chairs and all of that—I guess, if this is what's happening out there, I don't see it as doing what the environmental assessment was meant to do.

Ms Pugsley: I don't know that I can comment particularly on the north Simcoe case, especially since it is ongoing.

Mr Waters: No, I'm using it as an example of how things can be dragged out. This is now something like seven years that this EA has been ongoing. When is enough enough? And how does the board in the future plan, or how would you see the board in the future dealing with that problem?

Ms Pugsley: With the problem of lengthy hearings or the problem—

Mr Waters: Seven years of hearings, on and off, yes; efficiencies within the system, I guess.

Ms Pugsley: Without commenting on north Simcoe, because I think it's a special case—and my understanding is that one of the members retired and it was, as you say, a political decision to rehear it and it's being heard now—I think we at the board are very aware of the criticism that comes to the board because of lengthy hearings. I would like to think it's because of three or four very large hearings which are really anomalies.

However, having said that, the board, being aware of this criticism, is currently taking initiatives to streamline the process. One thing we did last year was a strategic plan, and one of the first goals was to shorten the hearing process. To that end, we've done things like make a protocol for agreement such that if parties are agreeing and the public interest is served and the interest of the parties and the government bodies, then the board will agree to the agreement.

A client group has been set up to hear from our client base how we can streamline things, and out of that committee have come generic procedural directions for hearings that will shorten things, trying to do things like a lot more pre-hearing consultation, mediation, facilitation, to try and have some consensus-building so that only those things directly in dispute come to a hearing.

Mr Waters: So very much as a part-time member you've been active in this, and now in your new capacity you'll have an opportunity to move it along. And barring that we politicians interfere too often, people of the province won't have this to look forward to too much in the future. We leave the job up to the people that we've put in place to do it.

Ms Pugsley: Certainly that's what our plan is, sir.

The Chair: Any other government members? There's two minutes. All right. The official opposition? Mr Bradley, former Minister of the Environment.

Mr Bradley: Ah, yes, former.

What do you think of incineration?

Ms Pugsley: I don't have a lot of knowledge of the technology, particularly, of incineration. It's my understanding that it's not permitted within the province.

Mr Bradley: I guess not now, although there are incinerators operating in the province, some better than others.

Ms Pugsley: Yes. I don't have a full knowledge of the technology of it to be able to comment on the different types of incinerators and whether they're environmentally safe or not.

Mr Bradley: I appreciate the fact that you're already on the board, and you may have some reluctance to express certain things, so if you do, I understand those things, when I come to the next question, for instance. Do you think, as a member of the board, it is wise for the government to remove options for you to consider when someone is putting a proposal before you? In other words, incineration would be an example. They've removed that option even from consideration. Some of us have views on incineration in any event, that it may not be the best possible way to proceed. Nevertheless, do you believe it wise for governments to take things off the table to be considered when a proposal is coming before the board?

Ms Pugsley: I think I would be very reluctant to answer that at this point, and the reason for that is that I am going to be on one of the IWA panels and I understand that that is going to be a consideration and I wouldn't like to bias myself in any way.

Mr Bradley: I appreciate that.

Do you think it would be wise to ban lawyers and consultants from hearings?

Ms Pugsley: Much as sometimes we would be tempted to do so, no, I don't, although there should be the flexibility. I must tell you that I have just finished a hearing where none of the parties were represented by lawyers, the proponent represented himself and active and informed citizens were the intervenors, and it worked beautifully. I think on a case-by-case, you could either have lawyers or not have lawyers, but certainly it's a quasi-judicial, adversarial process as it is now. What we need to do is better control the examination and cross-examination.

Mr Bradley: When the government established the Environmental Assessment Board in the 1970s, the Ministry of the Environment at least, and I presume the Environmental Assessment Board, I think some of the people sitting in the Legislature at that time would've envisaged that it was in fact as you described the last hearing. It was quite refreshing. That is, a proponent would put forward a case herself or himself and the opponents would put forth their case and the board would decide.

1430

Today, and I understand there are different kinds of hearings, but if you take the OWMC hearing, which has gone on for ever and the lawyers have had a field day and the consultants have had a field day, and the timber management EA, where the lawyers made the money and

the consultants made the money and the ministry spent all kinds of its time in there, there would probably be people sitting on the board who might feel that one should significantly restrict the ability of lawyers to prolong hearings—I don't know if consultants are as bad—and get down to the issues at hand. I take it that's something I heard you mention that the board is trying to address and that you believe should be addressed, that there should be more—I hate using the word "scoping" because it has all kinds of connotations, but at least they should start stopping the lawyers from tying up these hearings for ever.

Ms Pugsley: What we had hoped for was an amendment to the Statutory Powers Procedure Act that would allow us to impose time limits. Since that hasn't happened yet, what we're trying is in pre-hearing to have a panel, that isn't the hearing panel, or a case manager from our staff try to get agreement on the time that direct examination and cross-examination will take in an agreement among the parties so that it isn't any lengthier than it need be.

Mr Bradley: This will be opposed by lawyers but I would suggest that you do this soon, because if a Liberal or Conservative government were to do it, if there were a change in government and you had a Liberal or a Conservative government, all hell would break loose from the environmental community. I would suggest that as only the Republicans could end the Vietnam war, only the New Democrats can confine the environmental assessment process without the environmental community being totally up in arms and the Globe and Mail writing editorials—not editorials, but the columnists commenting.

I really think that those of you who have sat on the board are in the best position to make those judgements and I do encourage you to continue your efforts, having the experience that the board has had with some of these prolonged hearings where it's clearly just being dragged out by legal manoeuvrings instead of dealing with the issues at hand.

I'm sure Mr Sterling, who served in the fairly early days of the environmental assessment process when he was elected in 1977 as a government member, for instance, would recall, I think, that there was a feeling that the environmental assessment process could work well if it wasn't working as a court, but rather as something else other than a court. I know Mr Nixon, who always had views on these, often felt that the average citizen should have access to that board without it being highly technical, highly scientific and highly legal in all cases.

The last thing I would say is, are you afraid, as board members, of judicial review if you don't allow the lawyers at it?

Ms Pugsley: To be frank, I think yes. Certainly it's been my experience when the board cautions lawyers and will say, "Where are you going with this line of questioning?" the board isn't finding it helpful that the response is, "I don't want my case prejudiced by not being able to bring out all the evidence that I wish to." That's why with this client committee that I was mentioning before that's made up of the lawyers that we deal with, citizens'

groups, aboriginal members, we're trying to work out something with our clients that is workable for everyone.

I think, to be fair as well, the lawyers and the consultants realize that the process is too lengthy. Certainly we've found a willingness among this client group to be very cooperative, so I hope it works.

Mr Bradley: You've had good answers to virtually everything. I take it from your background, having read your résumé, that you come with an open mind and no axes to grind when you come into the position of vice-chair. In other words, if you look at some résumés, you may draw a conclusion, fairly or unfairly, "Ah, this person's pro-proponent and this person's pro-opponent." I detect that you go into these meetings with your credentials and your background and your experience as totally impartial. Is that what you see for the board as a whole?

Ms Pugsley: I think it's absolutely mandatory. The purpose of the board is to be impartial and hear the evidence and hopefully make a wise decision, based on the evidence that you've heard.

Mr Bradley: That's important for the credibility of the board.

If I could sneak a quick question in, do you believe the act should apply to the private sector?

Ms Pugsley: That's a toughie. I guess I think the private and the public sectors should be treated the same.

Mr Bradley: Right now the minister may designate something in the private sector. I well recall a member who appeared before us yesterday who wanted the SkyDome to be placed under the Environmental Assessment Act at one time, but that's always a contentious issue. I would have assumed it would have been done by now, if it were doable, by the present administration, but since it hasn't, I guess the chances of that ever happening are quite limited.

Thank you very much. I think your credentials are good and I wish you well in a very difficult job.

The Chair: Thank you, Ms Pugsley, for appearing before the committee this afternoon.

JOANNE NOTHER

Review of intended appointment, selected by the official opposition party: Joanne Nother, intended appointee as member, Advocacy Commission.

The Chair: Welcome to the committee this afternoon. You may make a brief opening statement if you wish, or we can just start into normal rotation of questions from the members.

Ms Joanne Nother: Let's start into the normal rotation. I think that would be fine.

Mrs Yvonne O'Neill (Ottawa-Rideau): You likely know that there are a lot of concerns and questions surrounding the Advocacy Commission. I don't know exactly what you're doing to prepare yourself for that position. I guess one of my questions is going to be, how do you feel your background is preparing you and what training do you think you're going to need for the position?

Ms Nother: Currently, I am very active in the

volunteer community as the chair of Persons United for Self-Help in northeastern Ontario. As a consumer with a vested interest in advocacy, I have an acute awareness, I guess, if I may describe it as such, of what advocacy is and the necessity for advocacy and the importance of advocacy for all persons who are unable to act on their own behalf. I really feel that has prepared me, and my interest in that and my own life experience with that has prepared me to some extent for my position with the commission.

With regard to training for the commission, I'm not aware of what will ultimately be needed with regard to training. I have some ideas, but I have no definite path on which I see training going for the commission at this point.

Mrs O'Neill: I hope you'll think about that a little bit because, as I understand it, the commission will be determining its own training needs, and I think that's important.

There was a press conference the day the nomination process, as it was finally determined, was announced to the general public, and there were certainly several people in the media room that day who were not terribly enamoured of the change in the way that they, who considered themselves as stakeholders, would be actually choosing the members of the commission and indeed the mandate of the commission.

One of the groups that spoke most strongly, and it's still impressed on my mind, was the residents of the Queen Street hospital. Indeed, they asked to meet with me yesterday. They still feel—and this was brought earlier today in a different forum—that they are not going to be heard; that although the chair of the commission has certainly got a background and knowledge in mental health and certainly is one of the sought-after speakers in mental health, it is the well, or those who have actually, in his term this morning, survived mental illness who are the people who will actually access the Advocacy Commission.

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Those who are in the facilities, who are, for lack of a better term, severely mentally disabled—and that's really the medical term that they use to describe themselves—are not going to have access to the commission itself. They feel very much on the outside looking in on this and I think are using as many channels as they can that are now in existence to make that point known. I wonder what you have to say to those patients, particularly as I point now to the mental health facilities in the province, that the Advocacy Commission can play a role for them.

Ms Nother: It's very much hoped by the commission that the commission will be accessible to all parties who will require services of the commission. It will be definitely necessary that the commission be accessible to each individual, and I think that will be of utmost importance, because as a consumer, that also is my concern.

I understand and appreciate some of the differences with regard to patients of, say, the Queen Street facility or anyone in that kind of situation, because there have

been entrenched in that hospital system advocates per se that often have not been seen to be in favour of the patients or in favour of the survivors after they leave the institution. So there is much concern that the Advocacy Commission is going to listen and hear their concerns, and I would hope that one of the major intents of the commission, and I'm sure it will be, is to make sure that the process is as accessible as possible to each of the parties.

Mrs O'Neill: As you know, the number 130 has been bandied around as the number of advocates that will be established. That doesn't seem to me to be a very large number of advocates. Certainly I think at the present time there are likely more advocates, or people who consider themselves advocates, and I think they wonder how they're going to relate to those newer, designated people.

I want to go back just a moment to the facilities, because I think there is an underlying philosophy of the present government that community-based care is the preferable care. For every person in the province that's not necessarily true, and I don't think there's an acknowledgement of that in the strength I would like to see.

This morning Mr Reville, who is going to be your chair, said, "The commission may well have things to say about that," when we were talking about facilities. I don't think facilities have much of a profile in this whole pattern of events that is unfolding regarding the Advocacy Commission, and for that I'm quite concerned.

I guess I would like you to say a little bit more about that because, as I say, the residents yesterday of the Queen Street facility certainly don't feel that there is a totally threatening environment in their mental health facility. They feel very threatened by the cutbacks that are being presented to them and confused very much by an Advocacy Commission being set up on one side and cuts on the other side. But they feel they have a community; they feel that people come and go, and people who have been there come back, sometimes to visit, sometimes on a short-term basis. I hope that you will see a role in the Advocacy Commission to make facilities less impenetrable, less a point of fear and mistrust in the communities, because as we've seen as we've gone across the province on the long-term care, facilities often are the best at and the originator of much of the care, whether it be for the physically disabled or mentally disabled.

So maybe you'd like to say a little bit about how you see the Advocacy Commission relating to the facility sites and how you see it taking the role of the long-term care person, who is in facility or may be in community.

Ms Nother: It will be very important for the Advocacy Commission to play a role in the facility situation whereby either we have access or are able to get into the facility or approach the residents within the facility, or to allow a channel of access where individuals in the facility can approach the commission directly. In the same respect, for persons who are in long-term care facilities, there has to be that channel created so that communication link can be established and maintained.

I'd have to give more thought as to how that channel could be established and what the parameters are of doing

that, but there has to be, I would say, a direct link, some sort of communication channel created whereby residents in either a place like Queen Street or the long-term care situation are able to immediately approach the Advocacy Commission and see the commission as a very grassroots kind of organization rather than an ivory tower situation.

Mrs O'Neill: Do you see a relationship between those who are advocates now, whether they be the psychiatric patient advocates or other advocates, and the newly termed advocates that will be, I suppose we can say, government employees?

Ms Nother: I see there is a definite similarity, and there is no way the commission can negate or ignore the people who have been doing advocacy for years by virtue of the fact that we're creating a position entitled "advocate." Whether it be a paid position or whatever, I do not think the experiences and the practice of individuals who have been doing advocacy for years, whether they be family members or whether they be advocates per se through the mental health field or whatever—there is a role for them to play within the Advocacy Commission, within that advocate structure. What has to be determined is what role they will play in so far as what kind of training the commission decides advocates must have to be able to be sanctioned by the commission. But there is definitely a role for the individuals who are doing the advocate function at this point in time.

Mrs O'Neill: I hope you will carry that forward on to the commission as strongly as you've stated it now.

My final question is, there is always the question of independence of the commission. This one in particular, as it is launched, has a grey cloud hanging around it, being determined as a schedule 1 and with one ministry more or less suggesting that it can remain quite impartial from another ministry and the two ministers sit at the same cabinet table. How do you feel about the independence of the commission?

Ms Nother: I feel that the commission can be independent. I feel that it is representative enough of the grassroots that we truly have a strong enough voice individually to be able to project our feelings in that respect and hopefully feel that, and I really do think that we will be able to remain independent.

Mrs O'Neill: Bonne chance.

Mr Sterling: Welcome to the committee. Could you tell me how you first found out about becoming an advocacy commissioner?

Ms Nother: Well, I've been involved, as I've stated, with the disability movement for a few years, actually since I've been in a wheelchair, and I've been fairly active in advocacy myself for persons with disabilities. The advocacy project was very active in sending out literature, publications.

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Mr Sterling: As you may or may not have known—I don't know if you have been told about previous interviews that have taken place with other advocacy commissioners—I find this legislation extremely dangerous. I don't believe the state has any business in going into a closed room with a vulnerable person and advising that

person one way or the other, which may be in conflict with family and health care providers' advice. So I find it very, very dangerous, this legislation. I find it so dangerous, I put it in the category of social engineering which was undertaken by some very, very mean people who ran other countries. I find it that dangerous and that much of a problem. I think it's ill-thought-out and will do everything to put this to an end should the government change.

I guess one of my concerns here is the whole aspect of this legislation in that there's no definition of what an advocate is. There's no code of conduct as to what an advocate is. Could you tell me what you think an advocate should be?

Ms Nother: An advocate should be an individual who can act either to give advice to an individual or act on an individual's behalf if the individual so chooses. The advocate I see technically is driven by the consumer or the individual who requires the advocate. In some cases there will be some external influence, but in many cases, most cases hopefully, it will be the consumer who will have the choice as to whether the advocate will be involved or not.

Mr Sterling: What external influences are you referring to?

Ms Nother: It could be family, it could be medical, depending on the situation, but I think they have to be closely looked at and closely thought out. My feeling is allowing the commission to set some of the parameters, given that the people on the commission are people who would possibly have need of advocates or who have been possibly advocating on their own behalf or for others in the same situation and would have knowledge of what the parameters should be.

Mr Sterling: You do realize of course that with the wide scope of the Consent to Treatment Act, Bill 109, advocates are going to be called into a huge number of cases where they previously had not been? There's been seen as no need. Every time a doctor or a health care provider is about to undertake a treatment, and that can be as minor as giving a pill, to a person who is vulnerable or incapable, he has to ask that patient whether or not he or she would like to see an advocate.

There are about 100,000 to 120,000 nursing home beds, rest home beds, in this province. There are 212 hospitals in this province. There are I don't know how many medical clinics. There are all kinds of doctors' offices etc. There's a whole number of things when the VON go out in the community in terms of doing nursing care in the community.

The head commissioner this morning, Mr Reville, said that the budget was going to be \$19 million, and I heard there's going to be approximately 150 advocates. What's going to happen when an advocate is not available to see this person who responds, who is operating at a low-level capacity out in a community? What's going to happen in terms of dealing with the treatment? Is this going to hold up our health care system? Is it practical to think that you're really going to cover the province?

Ms Nother: Well, I think for sure your point is

probably well taken with regard to coverage, but I think the attempt will be made to have as adequate coverage as possible. The commission is going to have to look at the use of full-time, part-time and volunteer advocates with regard to people who can be available, because you will have to make sure, as in the case you stated, that you have sufficient people who can be available to be able to act in that capacity as needed.

Mr Sterling: But there's no adequacy argument here. You have to have enough to do the total job, because otherwise a person can't get treated, unless it's a very, very serious matter, and then there are some words in the legislation whereby if it's a leg that's broken, it can be immediately dealt with if you can't find an advocate. But there are going to be thousands and thousands of cases, particularly in remote areas.

Ms Nother: Then I think the commission will have to be creative in looking at who can be considered as advocates and with regard to possibly family members, especially in rural areas, if family members are capable. In many situations, family members have been acting as advocates on behalf of family members, that sort of thing. So the network will have to be big, I agree, and I think that is one of the reasons we have to look at all the people who have been doing advocacy as well as those who are now interested in it.

Mr Sterling: Would you hire as an advocate someone who felt strongly about either the pro-life movement or the pro-choice movement? Or, for instance, there are many people who are advocates now, particularly psychiatric survivors, who do not believe in psychotic medication. Would you hire any one of those people to be an advocate?

Ms Nother: You would hope that people who we hire would be as impartial and as objective as possible, because if the psychosomatic medicine is the only way for some individuals or it may be a viable treatment, then that may have to be considered. If there's an advocate who doesn't believe strongly in that kind of medication, it may be worthwhile not hiring that individual. We'd need somebody perhaps who can be more objective.

Mr Sterling: Do you intend to ask them those kinds of questions before they become advocates?

Ms Nother: Quite frankly, I can't speak on behalf of the whole commission, but for myself, my feeling is that an advocate should be objective and be able to see all sides and be able to make a decision based on all sides that are presented, and all aspects of the case versus just because of their own personal bias or their own personal beliefs they would chose that route.

Mr Sterling: I was very disappointed to read a letter that we received here in committee from many of the working advocate groups that were very upset with this whole process of appointing commissioners. I guess what upsets me most about it is, these are the people who are out there as advocates now for our most vulnerable people and they're complaining about the process by which you're being appointed. Do you not think that perhaps we should have another whack at this in order to in fact make the process at least legitimate in their eyes?

Ms Nother: I think the process, to my belief, has been fair and objective. The advocate network I believe that is in place now, and the advocates who are working as advocates, may possibly be threatened to some extent by fear that they are going to be replaced by a new system of advocacy and may not have a place. They feel that they don't have a place in the system because, as of yet, as indicated earlier, there is no specific definition as to what kind of training an advocate will have and that sort of thing, so I guess there may be some fear of threat of that.

Plus there are also some rumblings in the consumer community as well with regard to the advocate movement, to the advocates themselves as well, and not being so happy with the people who are working as advocates now. So I guess it has to be looked at from both sides.

Mr Sterling: Michael Breaugh, who used to be a former NDP member for Oshawa, explained to me what fair and just was: Fair and just was when you win. That's what most people interpret it as.

I'm very, very concerned about advocates going in who are, in effect, unaccountable to anyone. This commission is not accountable to the government; it's not accountable to the Legislature save and except it produces an annual report. I'm very, very concerned that we are now appointing one of the Premier's chief advisers to be the head of your commission. To me, that colours the whole process.

And to allow you people—I'm talking about you commissioners, not you specifically as a person—to go out there with these great powers and for no one to be able to call you into line is a dangerous, dangerous precedent to set in society.

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Mr Owens: Ms Nother, thank you for appearing today. I just want to begin with some general questions. I have a copy of your résumé in front of me. There have been some questions raised with respect to the appointment process. Mr Sterling just talked about rumblings from some of the current advocates. It's my understanding that before yourself and others could be considered for this committee your name had to be put forward by the disabled community; is that correct? Can you tell the committee a little bit about how that happened?

Ms Nother: For the commission itself?

Mr Owens: That's right.

Ms Nother: The commission initially published a posting for people who wanted to apply to the commission, and I responded to that posting; I submitted a letter with a résumé. Through that, there were various interview processes during which I went through an interview with members of the appointments committee, and then after that, the full committee as a second interview, and then from there it was on to an interview with the minister's staff and representatives. So there was a series of interviews. It wasn't just a single choice.

Mr Owens: That's right, and they were conducted by members of the disabled community, various members of that—

Ms Nother: Members, essentially—

Mr Owens: So then in fact there was a significantly rigorous process, and maybe some of the rumblings as—we were presented with a stack of documents or letters today. Like many communities in the province, if your person isn't picked, then the process is wrong, but that doesn't necessarily mean that the process itself is wrong.

Looking at your résumé, you have some fairly extensive community experience. Your employment history is quite interesting as well, working with various departments, Sudbury Taxation Centre. You also have experience with the local public service union as a secretary and a steward; is that right?

Ms Nother: Yes, that was when I was with Revenue Canada in Hamilton at the district taxation office, and then I transferred to Sudbury.

Mr Owens: In terms of the volunteer involvement, again I'm very impressed with the diversity of your involvement. Not only have you been involved with the disabled communities, but also in terms of various women's organizations: the Sudbury Women's Centre. You were involved in a collaboration with the sexual assault crisis centre in terms of sensitivity training for the Sudbury Regional Police. Given, again, that great diversity of experience, both employmentwise and your community involvement, can you tell me how that has and will form your vision of your role as to how you see yourself as a member of this commission?

Ms Nother: Well, I'd like to think that I'm bringing to the commission a diverse and a varied view of equity, and I guess fairness to some extent. As I said, I have a vested interest in the consumer movement, having acquired my disability at the age of 25. That's partially why my employment history is so diverse, and my volunteer committee work is also very diverse because of the interests I have in addition to the disability movement.

Actually, this morning before I left to come here—I sit on the Laurentian Hospital ethics committee and we met this morning and talked about the patients' rights legislation and how it pertains to ethics within the hospital movement. I guess because of the well-roundedness, I hope to bring to the commission a sense of wholeness, I guess, more than just a single focus or a single perception on the issue. I hope to bring a varied experience with a wide vision of the world *per se*.

Mr Owens: By your second-last comment, you obviously have some institutional experience, which again has been raised as an item of concern.

Maybe this is an unfair question, but what do you see needing to be done differently with respect to either inpatients, whether it's Laurentian Hospital or other facilities in the province, with respect to advocacy?

Ms Nother: I think that patients within the hospital system need to be advised of their rights and be aware of what their rights are and know that they have the freedom to choose an advocate or to be able to, to some extent, hopefully contact the Advocacy Commission to answer questions or to find out what their rights are or to have someone assist them in their rights. I would hope that would be required.

Mr Owens: So you would, in terms of again the

kinds of discussions that you see needing to take place between the current system—and as a former employee of the Toronto General Hospital, I also have some level of institutional experience and understand that the Toronto General has had a patient advocate for a number of years. You would see working alongside, in terms of consultations, current advocates, whether they're from institutions like Laurentian or Toronto General or the office of the psychiatric advocate to ensure that there is a continuity in the services that are well provided and a seamlessness, but also taking a look in a critical way at where some changes could be made; is that correct?

Ms Nother: Yes, exactly. Working with the systems in place is obviously much more effective and is going to be of much more benefit and immediacy than trying to create whole new systems, but to create a process, you're right, that would be seamless and that there would be access would be very beneficial.

Mr Owens: What types of training programs or—"training," maybe that's too formal a word—educational processes would you see being developed for consumers or would-be consumers of the advocacy system? And given that anyone of us sitting in this room at any time could be in need of an advocate, how do you plan to go about setting up the kinds of materials, whether it's reading or video? How do you plan to deal with clients who are non-verbal persons whose first language may not be English?

Ms Nother: What definitely has to be looked at are the materials that are available, things that we can gather together and create the training packages, put together the materials. What I see as an important aspect of training is what I call the travelling roadshow, especially in north-eastern Ontario where we're talking about communities that are sometimes very small, very diverse and very culturally diverse as well.

Then we have to look at being able to adapt and be sensitive to those communities and also be aware of the fact that we may need to provide any training information in alternative formats. We may need interpretation, that sort of thing. We will also, as I say, need interpreters with regard to some of the communities with regard to if we're doing presentations in the francophone communities, or whether we'd be dealing with the aboriginal communities. We have to make sure that we use the correct individuals in the services to deal with those communities.

Mr Owens: Do you see a particular law reform component to your role as a commissioner? For instance, again, given your experience on tax, if there are regulations that disadvantage those who are moving between the FBA, family benefits, regime through the CPP disability regime, and our tax regulations, federally and provincially, that again disadvantage those, would you see it as a role of a commissioner to point those kinds of issues out and urge, whether it's the provincial government or federal government, changes to those tax regimens, as an example?

Ms Nother: It may be another way to make the recommendations. When the fair tax review process was being done, many of us throughout the province as

consumer groups and volunteers made many presentations with regard to the FBA system, the tax reforms, both provincial and federal, that could be looked at. So the Advocacy Commission may be another route which some of these tax reforms may be submitted through.

The Chair: Thank you. That's my polite way of saying you're out of time.

Mr Owens: Thank you for your answers, and I certainly look forward to supporting your nomination.

The Chair: Thank you very much, Ms Nother, for your appearance today before the committee.

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GORDON TAYLOR

Review of intended appointment, selected by official opposition party: Gordon Taylor, intended appointee as member, Anderdon Police Services Board.

The Chair: Welcome to the committee, Mr Taylor.

Mr Gordon Taylor: Greetings from the sun parlour.

The Chair: Is that the emblem of Anderdon?

Mr Taylor: It's just a fact that we are the sun parlour of Canada.

The Chair: If you wish, you may make a brief opening comment, or we can just start in to the questions from the members of the committee.

Mr Taylor: That will be fine, just start with questions.

Mr Bradley: The position became known to you in which way? Who notified you of the opening of the position?

Mr Taylor: I learned of the position through a member of an organization that I belong to. It's called the Citizens Environment Alliance, which was formerly the Clean Water Alliance, which gave Mr Bradley an award in 1987 for his work in the environment with MISA.

Mr Bradley: I well recall that organization. Are they still active, by the way?

Mr Taylor: Yes, we are very active.

Mr Bradley: Good.

Mr Taylor: We're looking for your continued support.

Mr Bradley: Good. I thought that was an example of an extremely good citizens' group, by the way, I must say, working in the Windsor-Essex area. It was a good example of people becoming directly involved. So I can see that they would want you to become involved in this particular position.

I have some issues I'd like to discuss with you that may be of some interest to the committee. I'm interested as people come on to the commissions what their approach is to issues related to police commissions. First of all, gun control, as you know, is of interest to members of the Legislature, members of the federal Parliament and certainly others out there. Do you believe that guns essentially should be kept in the hands of the police, handguns I'm speaking of now, and that others should not have handguns available to them except under very restricted circumstances?

Mr Taylor: Yes.

Mr Bradley: Would you be in favour of removing from people's control, outside of the police forces and the armed forces of this country, assault weapons that we see? Some people have them as hobbies; others have them for other reasons. Would you be in favour of having those taken out of the hands of those people?

Mr Taylor: Yes. I see absolutely no use or no need for an assault weapon in the hands of the general public.

Mr Bradley: The issue of police chases is an issue which confronts both urban and rural municipalities, and over the years governments and police commissions have tried to set up guidelines for police chases. At one time they were pretty loose guidelines, and we had a number of very unfortunate accidents where officers or innocent bystanders or those being chased were either badly injured or perhaps even killed. What do you think would be a reasonable guideline? I'm speaking generally now; I don't want to pin you down to something very narrow. But what is a reasonable guideline for a police chase? When should the police be pursuing someone in a vehicle?

Mr Taylor: I guess at that particular time the officers who were involved in the situation would probably have to make that determination. I guess it would depend on what the violation was, how important it was. I think it would have to be on a case-by-case basis, and they would have to make the determination. However, I believe that there should be some standard to go by, a minimum standard. There would have to be some really serious infraction before they should be allowed to pursue a vehicle through the streets. A radio can travel at the speed of light. I don't think there's really that much necessity for that kind of a pursuit.

Mr Bradley: Approximately how many police would there be on the township of Anderdon police force, do you know?

Mr Taylor: Seven, including the chief, Ken Mancell.

Mr Bradley: In other areas of the province where people are part of a county, particularly where they're part of a region—I think of the regional municipality of Niagara, where I reside—there is a regional police force. There used to be a number of police forces administered by each municipality, run by each municipality. There is now one collective Niagara Regional Police Force. In your part of the province, is there a virtue to having, for instance, an Essex county police force instead of individual police forces?

Mr Taylor: I would prefer an individual police force. I prefer the police to be residents of the community; they would know the community better. I'm not an advocate of regional policing.

Mr Bradley: Another issue that we confront is how much political activity members of the public service can be involved in, the public service at large, whether it be the provincial civil service, the federal civil service; in this case, the police force. Police officers in years gone by have been prohibited from participating directly in the political process; in other words, from campaigning in an election campaign and so on. Do you believe that the police officers should have that right or do you believe

that, because of the special position they hold in upholding the law in a community, they should be prohibited from direct involvement in partisan political activity?

Mr Taylor: I think that police officers may have a conflict with political activity in a township if they were to, let's say, be involved with the police services board. That's a very difficult question. I'd have to think about that.

Mr Bradley: I understand that. That's a difficult one to come at. I just thought if you had some thought off the top of your head I would be interested in it, but I certainly understand your reluctance to express a view without giving it some considerable thought.

The question I ask people on police commissions is the following: Do you believe that every police officer on the Anderdon police force should be able to break up a brawl in the toughest tavern in Anderdon?

Mr Taylor: I believe that a police officer in Anderdon township, let's say, should have the means to break up a brawl. Whether he or she would be able to break up a brawl, that's hard to say. I mean, brawls involving large men in a tavern are very difficult to break up. It may take more than one police officer; it may take a lot of people. That's hard to say.

Mr Bradley: Yes, I recognize that there is a difference between a smaller police force, as well, and a larger police force. A larger police force often allows more flexibility in terms of the number of people. If you have 500 police officers on a police force, obviously you're going to have people assigned to different duties. But I was thinking in a place such as that, because we have of course new requirements under the employment equity legislation, and the old dilemma out there is, should you get the people who can actually do the policing or should you get the people to meet the quotas that the province sets? Maybe even with the quotas you'll still get the people; I'm not saying that can't happen. But I'm wondering what the effect would be on a smaller police force.

Mr Taylor: Well, maybe the presence of a female officer at a brawl might sort of tone things down a little bit. Maybe it might be easier for the fight to be broken up because a woman is present. She might be able to sort of soothe the evil beast or the savage beast, so to speak. Maybe they might give them a little bit more respect. When two men confront each other, there is a possibility that one will try to take the other one on, whereas with a woman it might sort of moderate the problem.

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Mr Bradley: In domestic disputes, there has been a suggestion out there that a woman—domestic, or perhaps even a sexual assault, the two instances—should have the right to be able to tell her story to and be served by a police officer of whichever gender she chooses. Do you think that would be reasonable in a force of your size?

Mr Taylor: Yes, reasonable, sure.

Mr Bradley: It certainly motivates police forces in that regard to try to employ female police officers, because I would think it would be difficult for a woman in a sexual assault case, for instance, or more difficult—it would be difficult to tell it to anybody—to tell it to a

man than it would be to a woman, for instance.

Mr Taylor: Right, I agree.

Mr Bradley: The other question I have is involving the overview of police by provincial bodies, in other words, special investigations unit. You hear more of it in the larger cities. When an incident happens, immediately in comes the special investigations unit. Do you think it is wise to allow the police, first of all, to investigate the police and then have an outside unit such as a special investigations unit or a civilian unit investigate a problem with the police, or do you think it should go immediately to civilian authorities?

Mr Taylor: I would like to see it go to civilian authorities. I believe that the police investigating the police is like the fox guarding the chicken coop.

Mr Bradley: What would your view be of nepotism? "Nepotism" is too strong a word. Do you believe, in a police force of the size you're talking about, that if there's one member of a family already on the police force, no one else from that family should be allowed to serve on that police force at the same time?

Mr Taylor: In a small community like ours, there may be situations where there is a connection as far as family. That would be difficult for me to answer.

Mr Bradley: I appreciate your answers, and it's difficult when I don't give you a list of them ahead of time. It's like a cabinet minister trying to answer, only they usually don't answer, I'm told.

Mr Sterling: Obviously, it's a relatively small—is it a township or a town?

Mr Taylor: Township.

Mr Sterling: How many people would live in that township?

Mr Taylor: Oh, 5,000. Let me see here. I have it written down exactly.

Mr Sterling: Around there? That's fine.

Mr Taylor: It's 5,725 residents as of January of last year.

Mr Sterling: Most townships within our province do not pay for their police and they have OPP policing, which is not directly charged to the property taxpayer. Towns do have their own police and pay for it.

Mr Taylor: Like we do.

Mr Sterling: Do you know how long that's been in place?

Mr Taylor: I don't know how long that's been in place.

Mr Sterling: Ever since you've lived there?

Mr Taylor: Ever since I've lived there, 28 years. It's been there ever since I've been there.

Mr Sterling: It's a bit of an anomaly why you would not try to dump that back on the province, so to speak. It hardly seems fair, in a way, that your township is paying for it and there are many townships which are much better able to pay for it, probably, in terms of population.

Mr Taylor: I guess it's a matter of the residents wanting their own police force and someone that they can—

Mr Sterling: Control, to a degree.

Mr Taylor: Yes.

Mr Sterling: What is it, a five-member board that you will be sitting on?

Mr Taylor: I believe it's five members. I can't say for sure.

Mr Sterling: Gordon, because it's a small area, you've never had any confrontation with the police in a negative sense?

Mr Taylor: No.

Mr Sterling: I just think it's important in a small area that this be a question we ask. Maybe they've already asked you that question.

Having represented some small towns in eastern Ontario where they did have their own police forces—Kemptville, which was a town of 2,500 at the time I represented it; Prescott was about 5,000, 6,000 people—it was always a concern on my part that because things were so close, the people who were sitting on the police commission could have an undue direct influence on the day-to-day activities of the police force. I'd just like you to comment as to how you would see your role sitting on this board vis-à-vis the average day-to-day confrontations.

Mr Taylor: The average day-to-day operation of the police force I believe is the responsibility of the chief of police. That's his responsibility.

Mr Sterling: So if a police officer or one of your associates or somebody came up to you and said, "Look, I know you're on the commission; can you get this traffic ticket fixed?" you would know enough—

Mr Taylor: No, no. That's against the law.

Mr Sterling: Okay, that's fine. I think it's harder in a small town than it is in a large municipality.

Mr Taylor: I would think someone shouldn't be on the police services board if they would do something like that. That's against the legislation.

Mr Sterling: I'm not saying you make the approach, I'm saying you probably would be approached somewhere along the line. What do you think of photo-radar? A good idea?

Mr Taylor: Good idea.

Mr Bradley: There goes my vote.

Mr Sterling: Do you think it's a good idea?

Mr Taylor: Yes.

Mr Owens: It's your cheque they want, not your vote.

Mr Sterling: I don't know whether your township can afford to buy one or not. I guess they're pretty expensive operations.

Mrs Ellen MacKinnon (Lambton): They don't want to have that down there.

Mr Taylor: If I could comment on the photo-radar, I think it's important that police officers do police work. I think photo-radar ends a lot of confrontations and does a better job and I think it addresses the problem of speeding a lot better. It makes money too.

Mr Sterling: Good luck on your appointment.

Mr Taylor: Thank you.

Mr Owens: I just have one question and then I think some of my colleagues will have further questions. In terms of your knowledge of the police services board, currently are you aware whether there's a wife assault protocol that has been established by the police services board?

Mr Taylor: I am not aware of a protocol. However, my opinion is zero tolerance.

Mr Owens: It's your view then, if I'm hearing you correctly, zero tolerance means no discretion with respect to whether or not a person is charged in that situation.

Mr Taylor: Right. If you commit the assault, you're charged.

Mr Owens: If in fact you are confirmed this afternoon and you determine that there is not a wife assault protocol in effect for your police services board, what are you prepared to do to ensure that one is put into place?

Mr Taylor: I am prepared to put that forward.

The Chair: Mr Waters. I'm sorry, Ms Harrington was the next person.

Mr Waters: Ms Harrington.

The Chair: That's right. I have it written down here actually.

Ms Harrington: I did have occasion over the last few months to go to Windsor a couple of times to investigate the casino there.

Mr Waters: Did you help out with provincial policy?

Mr Taylor: I hope you left some money in Windsor.

Ms Harrington: No. It was just an official visit actually, but I don't recall actually running into Anderdon. You are somewhere close to Windsor?

Mr Taylor: Anderdon township would be south of Windsor. It's the next township over from the town of LaSalle. It would be on the western shore of Lake Erie.

Ms Harrington: Oh, so you're down on Lake Erie?

Mr Taylor: Right. We're near Amherstburg, around the town of Amherstburg.

Ms Harrington: So it's a rural area.

Mr Taylor: Yes, a very rural area. It's about 40 square miles.

Mrs MacKinnon: And they're very fallow.

Ms Harrington: You said there were just a few thousand people?

Mr Taylor: There are 5,725.

Ms Harrington: You said seven police officers?

Mr Taylor: Yes, Ma'am. That includes the chief, Ken Mansell.

Ms Harrington: How many are women?

1530

Mr Taylor: Presently, the full-time officers, there are no women, but we have four auxiliary police and of those four, one is a woman.

Ms Harrington: And how many on the police services board are women?

Mr Taylor: I believe one is a woman. I'm not sure;

I really don't know. I'm sure there is one woman.

Ms Harrington: I would like to reiterate what my colleague said about making sure that you do have connections with women's groups if you have them there. I know in our region, we do have a committee of police officers and the local women's groups across the region who get together on a regular basis to discuss how sexual assaults are handled and other issues.

The one question I did want to ask was, in that whole area around Windsor, I gather, according to our notes, there are six separate police forces. Have you ever considered, or would you consider in the future, amalgamation in order to increase efficiency?

Mr Taylor: I'm not sure. No, I'm not in favour of amalgamating police forces. I'm quite satisfied with the police force and the type of policing we have in Anderdon township. I think it does the township well. We don't have complaints about our police force.

In fact, the only time we've actually got into difficulties is when we had another police force come into our township. It resulted in the death of one of our residents, unfortunately, a case of mistaken identity. A resident behind my home was shot off his front porch by a provincial police tactical unit. I think if the police in our community were to deal with a situation like that, we would never have had that fatality, and that cost the residents of Anderdon a lot of money and the residents of Ontario a lot of money in court costs when they lost.

Ms Harrington: Thank you very much for coming all the way.

Mr Waters: I'm going to ask about schools. I come from a small town in the middle of Ontario. I represent Muskoka and we have a series of small towns. Although we'd like to think that all our problems in our schools with our young people—the violence in the schools, the guns and the weapons and that—are here in Toronto, the reality is that's not so. Is there some form of interaction between the board and the police commission and the police officers and the community, or how is that being handled?

Mr Taylor: From my knowledge, the police officers in Anderdon township participate in a peers, values and influences program in the schools. They talk to the children and promote good things for the children to do

and good activities. I'm not sure exactly what the whole of the program is because I haven't been briefed on the program, but I know there is an ongoing program in the schools, in our grade schools for sure. The high school I'm not sure about, because that's in Amherstburg.

Mr Waters: That was the only question I had, and I thank you very much for coming before us and wish you well.

The Chair: Any more questions from government members? Thank you, Mr Taylor, for appearing before the committee today.

All right, committee members, would we like to have one motion for all the names or is there a preference to vote on some of these names individually?

Mr Owens: One motion.

The Chair: One motion for all the names. All right. The motion will be to approve Pauline Seville—pardon?

Ms Harrington: I'd like to make a motion that we approve all of them.

The Chair: Thank you. Moved by Ms Harrington: Pauline Seville as a full-time member of the Ontario Labour Relations Board; Mr David Reville as the full-time chair of the Advocacy Commission; Mr Patrick Mauro as a member of the Northern Ontario Heritage Fund Corp board of directors; Ms Linda Pugsley as full-time vice-chair of the Environmental Assessment Board; Ms Joanne Nother as a member of the Advocacy Commission; Mr Gordon Taylor as a member of the Anderdon Police Services Board.

Any discussion on that motion? All in favour? Opposed, if any? That motion is carried.

Mr Owens: Should it be recorded as being unanimous?

The Chair: No, it can't be recorded as being unanimous, but there is—

Interjection: There was no vote in opposition.

Mr Owens: Notwithstanding Norm wants to dismantle the Advocacy Commission, what the hell.

The Chair: Mr Owens, there is a quorum present.

There being no further business, thank you for your attendance today. This meeting stands adjourned.

The committee adjourned at 1537.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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- *Harrington, Margaret H. (Niagara Falls ND)
- *Malkowski, Gary (York East/-Est ND)
- *Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Substitutions present/ Membres remplaçants présents:

Conway, Sean G. (Renfrew North/-Nord L) for Mr Curling
Duignan, Noel (Halton North/-Nord ND) for Mr Malkowski
Jackson, Cameron (Burlington South/-Sud PC) for Mrs Witmer
MacKinnon, Ellen (Lambton ND) for Mr Ferguson
O'Neill, Yvonne (Ottawa-Rideau L) for Mr Cleary
Owens, Stephen (Scarborough Centre ND) for Ms Carter
Sterling, Norman W. (Carleton PC) for Mr McLean

Clerk / Greffière: Mellor, Lynn

Staff / Personnel:

Pond, David, research officer, Legislative Research Service
Yeager, Lewis, research officer, Legislative Research Service



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Third Session, 35th Parliament

Assemblée législative de l'Ontario

Troisième session, 35^e législature

Official Report of Debates (Hansard)

Monday 26 September 1994

Journal des débats (Hansard)

Lundi 26 septembre 1994

**Standing committee on
government agencies**

**Comité permanent des
organismes gouvernementaux**

**Ontario Council of Regents
for colleges of applied arts
and technology**

**Conseil Ontarien
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Monday 26 September 1994

Lundi 26 septembre 1994

*The committee met at 1402 in room 151.*ONTARIO COUNCIL OF REGENTS
FOR COLLEGES OF APPLIED ARTS
AND TECHNOLOGY

CONSEIL ONTARIEN DES AFFAIRES COLLÉGIALES

The Chair (Mrs Margaret Marland): This week we are reviewing the government agency by the name of the Ontario Council of Regents for Colleges of Applied Arts and Technology. The first deputation this afternoon is Mr Richard Johnston, if you'd like to please come forward. I understand, Mr Johnston, that you have some other people with you. Welcome to the committee.

Mr Richard Johnston: Thank you, Madam Chairman. It's nice to see you.

The Chair: Well, it's very nice to see you. I was recalling the days when we sat together on the important side of the House.

Mr Johnston: The only side I ever knew.

The Chair: I would just say at the outset that the committee had agreed that your deputation would be one hour, followed by a second hour equally split in 20-minute portions in rotation by each caucus. So would you like to begin and perhaps introduce the people with you.

Mr Johnston: Let me start by thanking you for the time to meet with you. I've brought several members of the council with me: Ted Hargreaves, Jim Turk, Diane Dubois and Wesley Romulus. A couple of other members, I've noticed, have come in as well today, but they all obviously can't be here. We left you biographies of them all inside your packages so you'll get an idea of who are the 18 members of the Council of Regents at this time.

We actually wanted to use about a half-hour or so of time, not to take the whole time reading the document but just to highlight it and for you to read along as you go, and then to leave you more time for questions. We thought that might be a more useful use of your time, but we leave that up to you in terms of how much time you'd really like to take.

The Chair: That would be excellent. It's your option. I'm sure the committee would appreciate having more time for questions.

Mr Johnston: So if we can take maybe half an hour, and if you'd leave me a couple of minutes at the end, something like that, after we're finished questions in case there are a couple of other things that we felt we should have noted but didn't in the rush to get through, that would be great.

I guess what I'd like to do by starting off is to say that

we're really pleased to be here and to be invited before the committee to talk about what the Council of Regents has been doing as part of a fairly significant reform of the community college system, the first major reform, I guess, in about 25 years, although there have been some things over time that have changed as part of an evolution. But we're right now in very much a rebirth of the system in a lot of ways.

Last year we came before another standing committee, in February, the finance committee, and for the first time actually made a presentation on behalf of the colleges with every stakeholder at the table: the students, the administrators, the unions, all the members of our group, as well as the council of governors and the council of presidents who had joined me at the two previous calls of the Council of Regents to appear before that committee. We did so because we thought it was time, one, to celebrate the colleges and what they had accomplished and, two, to also raise some flags of concern in terms of the pressures upon us.

As you know, the demands are enormous at this stage, and this year our population is going to increase again, probably by another 4%. In the last four years, it's gone up 35% at the same time as our money has dropped by 25%. So we have accomplished an enormous amount in terms of access at the same time as having less money to do it with. And we've undertaken reforms coming out of Vision 2000, which as you know began during the last government, and have taken those on at probably the most difficult time one could imagine doing so. We think in fact that the colleges have worked remarkably well together, although the normal tensions and stresses that are there between the central and local authority and other kinds of issues have obviously continued.

The Council of Regents, just to be clear to you, is in fact the body to which the minister has delegated certain authorities and, under the act, is one of two entities that are identified other than the ministry itself. Those are the boards of governors of each individual institution, who are the employers in each institution, and the Council of Regents, which represents the minister in a variety of ways. But ultimately, frankly, the minister is responsible.

It is a major difference between our system and the system of universities, where the medieval traditions, if I could put it that way—not being pejorative, just historical—of autonomy are sacrosanct; whereas right from the beginning when Bill Davis announced our system—for which I, even publicly these days, give him full credit for being the best thing he ever did—he noted that this was a public policy forum as well as a response to local com-

munity needs. That role, that tension has been there right from the very beginning between the council and the boards etc.

We are responsible as employers' agent for collective bargaining, and we'll take you through some of that. We appoint the governors, this being the option chosen by the government of the day, rather than having them elected or rather than having them appointed directly by the ministry itself, and have done so for the last 27 years essentially.

Under our authorities, we also are supposed to be principal advisers to the minister on all matters to do with the colleges, and then we are assigned such duties as the minister of the day, under his powers under the ministry act, may determine to be things he wishes the council to do because of its particular role. I would say that at the moment we are probably what you might call a hyperactive agency, doing an awful lot more than many of us expected to do when we came on, and the board members all play a very active role at the council in terms of decentralizing of our own authorities.

As you know, out of Vision 2000 a number of reforms were suggested, and in the 1991 budget the government decided to move on three of them.

The first was looking at a standards council to deal with standards across the system, because colleges essentially set their own program standards at this point and there was a feeling that there needed to be a better transferability of skills.

We will not talk much about the College Standards and Accreditation Council, CSAC, today, which is the council, but rather allow them to speak for themselves when they appear before you on Wednesday. But if you have questions of us we'd be happy to respond to them in terms of their relationship to the Council of Regents.

The second initiative was prior learning assessment, which was, I think, in part a reaction to the reality of the huge number of adults who were coming into our system and needed some credit for the learning they'd received, as well as trying to make it a fairer system of doing so than the ad hoc arrangements we had prior to that.

Then there is the connection between ourselves and the universities, something which had been basically disallowed—let me put it that way—in the setting up of the system in the 1960s, and now there's a real desire to deal with advanced training issues in some fashion or other.

Since that time we've also taken up a fourth initiative, which is the schools-college initiative, the relationship between high schools and colleges, and Diane has been member on that council.

I wanted to basically just indicate to you that the people here present are going to talk about the areas of expertise they have and take each as it comes. The order we've decided to go in is the order in your binder, and we want to start off with prior learning assessment because it is one of the three big reforms that has been moved by the government from the Vision 2000 document that was started in the late 1980s and came out in 1990. So Wesley Romulus will take you through that section of our presentation.

Mr Wesley Romulus: Prior learning assessment is the evaluation of non-college learning for college credit. Essentially, it's based on the premise that valuable college-level learning can be acquired outside of formal academic institutions and can be assessed for equivalency to learning acquired within those institutions. Through prior learning assessment, adult learners can be awarded credit for those parts of college programs for which they already have the necessary learning.

PLA, short for prior learning assessment, has many benefits. It improves access to college education and training; it helps eliminate duplication of learning and reduces the cost of college education; it facilitates personal growth for the learner; and it promotes respect for adult learners as full participants in the lifelong learning process.

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In a time of significant economic restructuring that we're living in in Ontario today, PLA is making a significant contribution to Ontario's efforts to promote access and equity in our public institutions, as well as to the province's capacity to adapt to workplace demands and our society's changing demographics.

The PLA initiative started way back in 1989 when the Task Force on Access to Professions and Trades made over 100 recommendations to the government on reforms to break down barriers faced by foreign-trained professionals and tradespersons.

In May 1990, the Ontario Council of Regents completed its report Vision 2000, which we alluded to earlier, which recommended fundamental changes to Ontario's colleges of applied arts and technology. With respect to prior learning assessment, it recommended that a prior learning assessment network, PLAN, be established, with the explicit inclusion of Ontario's colleges in the planning, the implementation and the operation of such a system.

In the summer of 1991, the Minister of Colleges and Universities asked the Ontario Council of Regents to set up a committee to advise him on the development and implementation of a system-wide prior learning assessment for Ontario colleges.

In February 1993, following cabinet approval, the Minister of Education and Training again asked the Council of Regents to establish a prior learning assessment advisory and coordinating group with the mandate to coordinate implementation of a comprehensive system of prior learning assessment based largely upon the recommendations of the July 1992 report.

The mandate and composition of the PLA group could be summarized by guiding the implementation of the PLA in Ontario's colleges; providing the minister with policy and funding advice; conducting planning and coordination of PLA pilot projects; coordinating system-wide training and marketing activities; liaising with all colleges on PLA issues; and obviously monitoring the evolution of the initiative.

The PLA group has been asked to conduct studies in the following areas: the cost and benefit of extending PLA practices to the college system; language compet-

ence and the portfolio process; the long-term cost of implementing a systematic approach to the evaluation of foreign academic credentials, and the process for developing upgrading and supplementary education programs for foreign-trained individuals.

The PLA group as it exists now is composed of 20 voting members from a wide range of stakeholders, among whom we find college system management, OPSEU, students, business, labour, aboriginal people, community organizations and regulatory bodies. The group also has non-voting liaison members from the following organizations: the Ministry of Education and Training; the Ministry of Citizenship; Ontario secondary schools; the Ontario Training and Adjustment Board, OTAB; the Aboriginal Education Council; the Council for Franco-Ontarian Education and Training and the Council of Ontario Universities.

The PLA group makes recommendations to the Ministry of Education and Training through the Ontario Council of Regents.

What have we accomplished in the first year? In view of the fact that general awareness levels were very low with respect to PLA activities, the group has concentrated efforts and has accomplished the following: reaching agreement on a statement of PLA implementation principles; developing a comprehensive and highly consultative process to develop a policy development strategy; conducting consultation and policy development in several major areas including the mandate, the definitions, grading, transcriptions of PLA credits, OSAP eligibility, college funding and college preparation of courses for PLA.

We have also focused on adopting a PLA training strategy, including mission, goal statements etc. We have promoted the establishment of four PLA regional networks, comprised of college PLA facilitators and other interested college personnel.

We have coordinated eight PLA pilot projects at several colleges which are expected to contribute significantly to the implementation and research activities of the PLA group for the benefit of the system.

We also have provided funding, a special transition project, for the newly created francophone or French-language colleges vis-à-vis the traditional bilingual colleges.

We have participated outside the province in PLA activities also involving the federal government.

The challenges we are facing: In order to ensure the viability, quality and credibility of prior learning assessment, adequate funding needs to be generated. The PLA group will review current levels of PLA funding and fees, along with the costs of PLA in its first year of operation, and will make recommendations to the minister in time for implementation in 1995.

Another challenge facing the PLA initiative is the faculty workload. If PLA is to become a mainstream college activity, which we hope it will be, it needs to be included in the calculation of faculty workloads. Through the Council of Regents, the Human Resources Secretariat is assisting to resolve this issue.

The third challenge for us is PLA training. The need for PLA training activities within the college system has been significant. Since full PLA implementation will eventually affect most of the work of the 8,300 faculty members, there has been a need for strong central support in the development and delivery of PLA training. It is the PLA group's expectation that college personnel who have received training over the past year will assist in providing PLA training to faculty and staff at their own college throughout the implementation period.

What is the future for PLA for the remainder of the mandate? During the next 18 months it will be important for the group to promote participation in PLA activities by learners, by the colleges, to create partnerships with the community and provide the minister with necessary advice for the continuation of the PLA activities.

More specifically, the group will extend PLA funding to the two new French colleges; extend PLA awareness, as I said before, beyond the walls of the college system; focus PLA training activities on certain areas—portfolio development, portable training materials etc—and assist colleges in strengthening their networks, developing marketing strategies, completing a schedule of consultation and making recommendations to the minister on the appropriate monitoring and information systems.

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In summary, prior learning assessment is an important initiative, long overdue and it's receiving increasing support from across the province and even the country. Prior learning is currently being reviewed by the federal government as a possible mechanism to ensure maximum use of federal training dollars. Over the past three years, the province of Ontario, the Ontario Council of Regents and the colleges have taken positions of leadership in promoting the development and use of prior learning assessment.

The Council of Regents is well suited to undertake this task given its role as an advisory body to the Minister of Education and Training on matters of policy and particularly given the implications PLA has for the collective agreement and council's links to the College Standards and Accreditation Council, CSAC.

Mr Johnston: I should've said at the outset that Wesley is our chair of the task force on prior learning assessment that reports through the council at this stage.

I'll turn to Jim Turk, who is the chair of our governance committee of the council, to talk about the governance issues.

Dr Jim Turk: We're pleased to have the opportunity to be before this committee. I want to talk briefly about governance and the issues that are before us. We've written a much more detailed document for you that will answer a variety of questions that you might have.

I'd like to highlight three things: the whole question about what is an appropriate model of governance of a public institution, how are boards currently made up in the college system, and what appointment process do we use.

With regard to the first matter, I'm sure that when Bill Davis was Minister of Education, when the college

system was being set up, there were many of the same debates going on that there are today as to how you set up college system funded with largely provincial money in a way that it will be publicly accountable.

A number of models were available. We know from the elementary and secondary system that one model would be to have elected board members or elected trustees. A second model that was undoubtedly considered was the model that's followed in some other provinces where you have direct government appointments to college boards. What was opted for was the third model, the one we currently have, where a body of order-in-council appointees is entrusted by government with the responsibility for making appointments and functioning in lieu of the public in providing that kind of accountability.

I think the debate continues today as to which of those three models is the most appropriate, but we feel very strongly that there has to be a strong method in which the public responsibility of these publicly funded bodies is achieved.

With respect to the makeup of the boards, there are 16 voting board members on each community college board: 12 external governors and four internal governors. The 12 external governors are nominated, in a process that I will describe shortly, to the Council of Regents which then makes the decision as to who's going to be appointed.

The four internal governors, a more recent addition, are from four constituencies that are recognized within the college system: faculty, support staff, administrative staff and students, each of whom in a board-conducted election within the college elect their own representative. The internal governors all have the same term as the external governors; namely, a three-year term which is renewable once for a maximum of six years, with the exception of the student governor, who has a term of one year.

The appointment process for the external governors is really the matter we want to discuss with you. On the internal governors, the council's role is largely to ratify the election by their colleagues and appointing those individuals to the board. In addition, there is one ex officio member of the board and that's the president of the college, so 16 voting members and one ex officio member who in some colleges votes and in other colleges does not.

With regard to the appointment process, it's relatively straightforward. Nominations by the regulation can come to the council from the college board or from other sources. That's the term that's used in the regulation, "other sources." In practice, virtually all of the nominations we consider come from the boards. If a name comes to us from another source, we send it to the college board for its consideration.

We adopted a procedure in 1989 in which we asked the boards not only to nominate individuals but also to submit a protocol which shares with us their view of their immediate and long-term needs and objectives within the geographical, cultural and socioeconomic framework of their college catchment area.

The names then are examined in light of this protocol

and decisions by the council are made, and while there's been a lot of talk of the council's relationship with the boards, the fact is, since the fall of 1990, out of more than 300, only two people have been appointed to a college board whose names were not recommended to the council by the college.

In fact, if we go back further, as far as we've been able to tell on the records, in 1986 there was one person appointed to the Centennial board who had not been nominated by that board. In the spring of 1990 there were three people appointed to the Centennial board whose names had not been forwarded by that board, and since then, as I say, there've only been two appointments out of more than 300 that haven't come from the board.

The appointment process is one where we try to encourage an ongoing relationship with the council. The council is divided into liaison teams so that there are at least two council members whose job is to make themselves available to college boards before and during the nomination process, and at other times as the college board may want, to meet with them to hear their concerns, to share with them other information of what may be happening in the system and in general to be a link between the council and the college board.

The council, I guess parenthetically, tries to apply to itself the same appointment procedures that we follow, recommend and urge upon the college system.

In the six years that I've been on the council, we wrestled with the same basic questions: How do we assure equitable representation on these now 25 boards, and how do we ensure, across the diversity of the communities that make up the college catchment area, that there's an active linkage of board members to the communities from which they come, whether they be geographic communities or socioeconomic communities or cultural communities?

I would draw to your attention page 13 of the document that we've distributed to you as a way of suggesting there's really not much new here. This is a document from the guidelines to governors in August 1972 which is as fine a statement of the objectives of the governance committee and of the current Council of Regents as any I have read.

It talks about the council's role in filling appointments. It says: "...the boards should bear in mind that it represents the people of the whole college area, and not just a local community. Members should be drawn from a variety of occupations, interests and backgrounds, and should be representative of any large proportion of citizens of distinctive national origin, race, religion or economic status."

It goes on in the second paragraph to say: "While the Council of Regents relies on boards to recommend new members, it must be appreciated that nominations may be received from other sources. In any case, the Council of Regents makes the appointment which in its judgement will best serve the individual college and the system as a whole."

We continue in the council, I would conclude, to look for ways to set up a structure of appointments to ensure

that we have college boards that function as far as possible to be fully publicly accountable for the public bodies for which they have so much responsibility.

1430

Mr Johnston: The council has been going through a long review process, as indicated in the document, and is in the process of trying to finalize a report to the minister which we hope to have in his hands in the next couple of weeks, and we're encouraging him to make it public as quickly as possible so that people can understand the recommendations that we will finally be putting forward to him. But we can come back to that in questions. I turn to Diane Dubois to talk a little bit about some of the francophone affairs issues.

Ms Diane Dubois: Madam Chair, ladies and gentlemen, I'll begin my address in French, if you need to have some translation.

C'est un principe reconnu au sein du gouvernement de l'Ontario que la province doit promouvoir un réseau collégial capable de bien répondre à la diversité des besoins de sa population. Avec la mise sur pied de trois collèges de langue française, il est essentiel que les organismes et agences du gouvernement reconnaissent la dualité linguistique.

J'aimerais aujourd'hui vous indiquer les moyens pris par le Conseil ontarien des affaires collégiales pour tenir compte de cette dualité et vous informer aussi des activités du Comité des affaires francophones.

Interjections.

The Chair: If you could just wait one moment, please. One of our little microphones isn't working properly.

M^{me} Dubois : Tout le monde est correct pour continuer ? D'accord.

Donc, j'aimerais aujourd'hui vous indiquer les moyens mis en place...

Interjection.

Ms Dubois: Actually, I was just going to speak in French for the first minute, so maybe we can forget it.

The Chair: Maybe if you could speak in English, we could carry on.

Ms Dubois: Okay, I can. Just the introductory remarks, because I thought maybe something like this would happen. It would be better to get the important things through.

Donc, j'aimerais aujourd'hui vous parler des moyens mis en place par le Conseil ontarien des affaires collégiales pour tenir compte de la dualité linguistique et vous informer aussi des activités du Comité des affaires francophones. Il est impératif que les représentants francophones apportent une perspective conforme aux intérêts et aux aspirations de la communauté franco-ontarienne. C'est pourquoi le Conseil s'est entouré de francophones très représentatifs de leur communauté. De manière à appuyer les efforts du Comité, le Conseil a doté son secrétariat d'un personnel bilingue.

I would now like, Madam Chair, ladies and gentlemen, to speak to the mandate of the francophone affairs committee.

The primary mandate of the committee is to provide

informed policy advice for consideration by council on policies regarding French-language education. To do this, the committee identifies and brings to the attention of council issues and policies which affect French-language college education. It also analyses and makes recommendations to council on the potential impact on Ontario's francophones of policies and positions developed by council.

It is also this committee that receives the nominations for appointment to the board of governors of the French-language colleges and, following consultation with the Franco-Ontarian education and training council, makes recommendations to council.

With respect to the process of appointing new francophone members of COR, I'd like to illustrate the overall framework of policies and practices by telling you about my personal experience.

With a vacancy on council, a profile was developed to help assist in finding the qualified candidate. Geographically, the person had to be from southwestern Ontario. For gender parity, it had to be a woman. In the skills mix, the need was for someone in small business, entrepreneurial and/or agriculture, and the person had to be a francophone with very strong links to her community.

The committee approached the Office of Francophone Affairs as well as the provincial body of the French Canadian association of Ontario, l'Association canadienne-française de l'Ontario, and my name was put forth as a very active French-speaking farmer with a small business in St Thomas. I was thrilled to come on board to represent at this very exciting time for post-secondary education in our community.

The names that are brought forth to council for consideration by the government's appointments secretariat are always names that are received from Franco-Ontarian organizations and community groups. The same consultative process was undertaken following the government's announcement in July 1993 of the creation of two new French-language colleges. COR appointed a selection committee to undertake a search and selection process, to ensure that the resulting boards would have the necessary mix of skills as well as the Franco-Ontarian community's social, cultural and regional diversity.

The members of the selection committee, which represent community and education groups, solicited nominations from different Franco-Ontarian communities and a public call was also made through the media. In November 1993, the Council of Regents announced the appointment of the two new boards and also organized an orientation session for the new members.

I would like to mention quickly at this time the brief that was presented to you by the board of governors of la Cité collégiale, in which the governors note the contribution of council in the success of their college in the first few months. The board also applauds the recent initiative taken by the francophone affairs committee to increase the communication links between the three French-language colleges. The feedback has been very positive from the three French-language colleges as to what COR and our committee are doing.

As we've heard from Mr Romulus, from time to time council, ministry and other organizations undertake special initiatives on policy development activities relating to college education. It is government policy that such activities be undertaken in an integrated fashion, recognizing the existence of both English-language colleges and French-language colleges. The francophone affairs committee here plays a very key role in identifying individuals and organizations to be involved in these activities and advises COR on appropriate nominations.

Again to cite from personal experience, I was on the school's colleges implementation and advisory committee. COR's francophone committee was key in identifying the need for a francophone perspective in this important project and assisted in establishing a subcommittee. Specific recommendations coming from this subcommittee now form an integral part of the final draft report.

I think I've taken my five minutes. I would be certainly happy to answer any questions. Merci beaucoup.

Mr Johnston: I'll just turn to Ted Hargreaves to deal with the human resource issues briefly, although when I say "briefly," when you consider we're \$2 billion worth of pension plans, 16,000 people whom we bargain for, we shouldn't give it short shrift. It is a major function, and Ted's the chair of our human resources committee.

Mr Ted Hargreaves: I was told I have three minutes, so \$2.8 billion, that's about the best, I guess, we can do. But indeed, the council does have responsibilities in the human resource area. Our principal one is we act as a negotiator: We are agent for the 25 colleges and we negotiate with our employees, OPSEU academic and OPSEU support. The total number of employees in those contract areas is about 12,700. In addition, we have administration staff. Total employees number 16,800 and, as was mentioned, we have an \$800-million payroll in the college system.

The other responsibility that we have is the pension responsibility for the colleges. That's known as the CAAT, college of applied arts and technology, pension. It is currently, with assets, approximately \$2 billion in size. We are going through a joint trusteeship arrangement right now with a lot of help. We are working with all the members of the pension plan to ensure that we have joint trusteeship. The trustee for our pension plan is currently OMERS.

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Those are the central responsibilities of the human resources committee. Some current issues before the committee, of course, are the implementing and monitoring of the social contract, the transition agreements—you just heard Diane's reference to the fact that we now have two francophone colleges. Particularly in the north we have staff moving from the northern colleges to Collège Boréal, and there is an agreement in place to ensure that is done harmoniously.

That was worked out through our committee with all of the presidents or their appropriate representatives of the colleges.

In addition, of course, there's pay equity, employment

equity and health and safety legislation and compliance that we're working on.

There's also something called the comprehensive human resource information system, which was requested under the College Relations Commission for collective bargaining. That group is also working under our auspices and we are trying to ensure that we garner accurate and competent information for bargaining purposes, and we are dedicating many resources and individuals to that.

We have just finished, and I think the report is out, quality education in a fiscally responsible manner. That came out of our committee also and it has been issued, and of course the pension plan restructuring, and they are some of the current issues.

I am concluding my first term. I don't know if anyone will ever let me back, but it's about three years that I have been on council. I'm an accountant in my real life up north. Something which I found refreshing, exciting and wonderful was a commitment and a dedication in the human resource area to something called collaboration and inclusion. Those, I know, are words, but the people on that committee and at COR and in the Human Resources Secretariat actually live it.

There is a distinguished past president in this province by the name of Doug Light, whom I worked with and learned so much from when he chaired our committee, about the commitment to collaboration and inclusion. One particular example is: This group of COR, as you see it today, created something called the human resources management steering committee. The key word in there is "management." The purpose of that is to ensure that in fact COR does represent the colleges, that we are in touch, not out of touch. We have 15 management and administrative people from the colleges on that committee. There are two members from COR and COR staff as resource people. We feel that through that kind of commitment, of course, we are in touch with college management and with the mandates when you're talking an \$800-million payroll.

The other thing that reflects collaboration and inclusion is the formation of the administrative staff consultative committee. Formally, our administrative staff are not organized and are not represented. It is through COR and through this initiative found and probably fostered by Doug so well that we actually encourage administrative staff to come forth, to bring their interests and to meet with the committee.

We also have a commitment to lessening the adversarial environment which existed. I think we must remember that one of the most important things is that the college sector has had two strikes. The most recent was in 1989. That was not long ago. One of the initiatives of COR is to try and ensure that through collaboration and inclusion and communication we try and lessen any adverse relationship which may exist.

Some of the things we have done to ensure that those things don't continue is that we are working vigorously on an information system so that both parties receive accurate information for bargaining purposes. Secondly, we have a task force on the quality of education in a fiscally responsible environment, previously mentioned,

just issued, we have a joint insurance committee and we have the employer-employee relations committee which, on an ongoing basis, reviews issues of concern so that we don't have surprises at the bargaining table. Those are some of the examples.

However, in addition to that, COR is involved in policy advisory projects for the minister, as you know. In every one of those cases, we also have opened the door and invited all of our stakeholders, from the president's office down, to be at the table for communications, input and consultation. Some of them are PLA, anti-harassment and discrimination, college restructuring committees and awareness, and we hope that kind of awareness leads to understanding.

Finally, in closing, there are some organizational issues which most everyone in the room is probably aware of, and that is that in the Colleges Collective Bargaining Commission of 1988, one of the members of the commission, Mr Gandz, recommended the formation of an employers' association. That employers' association was included in Bill 23, which had its first reading on May 27, 1992. We're awaiting instruction from the government as to how it wishes to go ahead with that.

However, in light of the achievements which been made in openness and in collaboration and in communication, not everyone today is as committed to that change as was once thought, especially now when there is so much change coming: We're exiting the social contract; we have money pressures, as our chair had referred to; we have something like I think 25% less money and 35% or 25% growth in actual students; we're committed to access. So we're trying very, very hard to do much more with much less and I don't think we can ask much more out of the system.

Mr Johnston: I won't take you through the appendices in any detail but there are some you might be interested in noting: the roles of various liaison teams through the colleges that are attached; participation on a whole range of other external committees that members are on; the latest version of our bimonthly newsletter, which will give you I think a pretty good idea of the participation by people external to the colleges as well as in the colleges in a lot of our processes; our model for appointment that Jim took you through a little bit; a self-identification form which we now try to get information about—the skills mix—and the first statistical results of that. You may be interested in that section which indicates the profile of the actual members of the college boards we have appointed in the last three years. The last two years' statistics indicated there are accurate. The first year was a partial statistic.

The other challenges before us—I think, Ted gave a very quick overview of the full variety of the human resource issues. They're laid out in some detail for you as well. We did give a major submission to staff, and I don't know how much of that you've received and how much has been condensed for you in the normal fashion that takes place. But if there are further background documents that you want in terms of our authorizations or other kinds of things to do with our mandate, we'd be more than happy to get them to you during this week.

We'll have staff around the committee in case you need us to pick up information for you during the week.

The Chair: Thank you for that offer, Mr Johnston. This agency was a selection of the third party, so I think we will start the rotation of questions with Mrs Cunningham.

Mrs Dianne Cunningham (London North): Good to see you. Thank you very much for being here today. I would just like to start by asking a general question with regard to the expansion, not obviously of your role but certainly of your work, and perhaps you could fill us in. One of the big questions that we get even from within the colleges themselves is that your budget has increased to such an extent. I asked it once and it really upset Richard, so I thought I'd let him answer it again.

Mr Johnston: Let me deal with the functions and let Ted respond, if he wants, on the budget side, if that would be all right.

Mr Gary Malkowski (York East): Could you repeat the end of your question, please?

Mrs Cunningham: I asked this question once, Gary, and it really upset Richard—I also have a cold—so I'm asking it again so he can answer it on the public record.

Mr Johnston: On the functions, I think I talked a little bit about the role of prior learning and CSAC. Out of the Vision 2000 document it was actually specifically stated that the Council of Regents should take responsibility for the establishment of the standards and accreditation body. Out of the establishment board process which led up to the beginning of the council it was also felt that should happen. That was internal stakeholders; external stakeholders all accepted that kind of notion. So we have taken on that responsibility.

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Prior learning responsibility was addressed through that joint committee we talked about, and it also requested that council take the lead at this time. That's a three-year budget commitment in that case, which we don't presume will be continued after that.

CSAC, we would prefer that you deal with them directly on how they see their role with us, but our role with CSAC has been to give them as much hands-off control as possible on the things that they're doing. But they needed an order-in-council authority to do the things they do, and rather than establishing a new agency, the government wished an existing agency with order-in-council status to be its vehicle for existence. We are the only order-in-council group within the college system that could have done that. That's why it has been vested in us to this point. Council still is of the belief it should be a fully independent body, but that is not the way it has developed.

I'll let Ted maybe respond, as our accountant, to the issues of our budget.

Mr Hargreaves: The budget references actually are on a document that I have—unclear. It looks like it's responses to questions. I don't know if you would ever get that, but anyway, it's on page 14 of that. You're absolutely right in terms of the total budget having grown. However, that is only because of directed projects

by the minister to COR, and they are all projects that in my understanding are centred around the college system, be it PLA or CSAC.

The actual COR budget, the reason that I'm interested in this is because when I came to council, I asked that a finance committee be formed, and that seemed to be an oddity because there wasn't one down here. Anyway, we started pulling out our figures, looking at our budget, how to cut or manage costs, because Richard thought we should do this reaching out to the colleges and have liaison teams, and that is very expensive. So, in order to have liaison teams and to be in the colleges, we had to look at our resources.

The actual central budget of COR has actually decreased and it has decreased significantly. With the last three hits it's decreased, I think, from 1992-93 almost 25%. I'm not trying to mislead, but I think that's about what has happened with the latest one that we understand may be coming to COR. We don't, in the COR area, have more staff; we actually have less staff. However, because of the projects, the budget I think is about \$2.7 million or in that area, principally because of CSAC-PLA college restructuring, and we now have added into our budget the Human Resources Secretariat that we used not to have. The Human Resources Secretariat budget is approximately \$435,000 and that is the committee that I chair.

In terms of COR's budget, it has actually shrunk. It's shrunk significantly, actually, regrettably.

Mrs Cunningham: Yes.

Mr Hargreaves: Probably like everybody else's.

Mrs Cunningham: The reason that I'm intent on asking the question is because I obviously get asked them a lot and I think it's important that the public understand the projects the Council of Regents has taken upon itself, I might add with the direction of the minister, I understand. But if you look at your base budget in 1991-92 of \$671,100, and in 1994-95 about \$634,000, it hasn't changed a lot. You've been asked to do work and you're supposed to be advising the minister and making board appointments and collective bargaining. But I'm in the business of educating kids.

I personally am not interested in spending a lot of money in that area at all. When one has to prioritize and you come and the first statement you make is that you've got more students and you're trying to educate them on less dollars, you have to ask why the other piece—if you subtract the \$634,000 from the \$2.7 million, clearly over \$2 million is being spent on these projects. That's a lot of money.

It's gone from \$1.5 million in 1991-92, and I know that you've acquired somebody else's budget. If you want to take out human resources—I have no idea why they stuck you with it, anyway; I would have objected if I'd been you, Richard—it makes it even worse. You can take that out if you want to, but it's all part of the administration, I think, of a system.

One of the great complaints is that there isn't enough money in the front lines. The hard work in teaching—and you know from the results of your prior learning assess-

ment the kind of work that has to be done to get students up to a certain level so that they can benefit from a college education—is just that.

I guess I can ask you the next question: Are these dollars, in your opinion, spent wisely? Will this kind of money be spent next year? How much longer will the PLA—and I have great respect for what's happening—CSAC, human resources and the college restructuring—I understand that's done, anyway—continue? I'm talking about administration, exactly what you used to talk about when you had my job.

Mr Johnston: I'd be happy to respond directly. The college restructuring, as you say, is completed already, although the report isn't in and we're doing the final work on that out of our existing budget without any extra financing.

Prior learning assessment was a three-year project; we have about 18 months left, as Wesley said. It shows \$446,000 there in terms of the amount of money allocated for the policy development work, the training etc of people across the system so we do this consistently. But about \$1 million has also gone out directly to the system for the hiring of facilitators in each college to be able to undertake prior learning assessment across the system.

Prior learning assessment, of course, is a tool for getting more people into the system and therefore I think that's money that is very well spent because it's going to increase the effectiveness of people coming into the system, number one, in terms of the time it takes them to get through—they should be able to go through more cost-effectively—and it just stops a lot of the hurdle-jumping that was necessary for adults coming into the system prior to that. So we think that's a good benefit.

CSAC, the standards and accreditation body, has been demanded by industry and the student population for years, saying, "We've got to have transferability of credit; we've got to know what the standards are across our system." It's no longer good enough to say that we just do that at college level. We've maintained the college level accountability but we've got to put in a provincial accountability as well. We think, as an economic development for the colleges, to be able to be part of the economic development of the province more effectively, that is just crucial. All the members of our system have proved that in the past.

That budget of \$1.2 million is almost all spent on drawing stakeholders from the system and from outside the system together to make sure our standards are being appropriately developed. It's not an insular kind of thing at all. The staffing for it comes in large part right out of the colleges themselves, so most of those people are secondees to make sure the kind of policy development we're doing is appropriate. That kind of budget of around a million and a half I think for the long term was seen to be the ongoing kinds of costs for an agency like CSAC, as it does ongoing review of standards in the future, and was seen to be a very necessary quality control that we were missing in the system over the years. As I say, if you look at the Vision 2000 document, everybody felt that was necessary and we still hear back from industry today that we aren't moving on it fast enough.

On the other budget, we were glad to take the HR secretariat as our own because in fact about 10% of what they were doing was for the ministry, in the past, and 90% was for us. It just didn't make any sense to have the budget lying within the ministry, so it is more accountably with the Council of Regents than it would be otherwise.

Mrs Cunningham: When you talk about the recommendations from Vision 2000, and we're talking about the first recommendation, of course, when they identified the problems within the system, the whole area of the lack of system-wide standards and quality planning, you're trying to take care of that. You mentioned that's finished this year?

Mr Johnston: That is the standards and accreditation council mandate?

Mrs Cunningham: Yes.

Mr Johnston: No. That will be an ongoing body that is required to look after standards from now on, all being well. It's a moving thing. They'll be here to talk to you on Wednesday to go through the detail on where they're going, although I know they've already met with you as well to sort of brief you on their activities. But that's ongoing.

Mrs Cunningham: Okay, I'll wait on that one. The prior learning assessment, you mentioned, was a three-year—

Mr Johnston: Yes. Our goal there is to set up the provincial standard for prior learning assessment and to make sure everybody's trained in a similar fashion, look at any of the policy issues that need to be addressed during that period and then hopefully have that handled by the colleges—one of the reasons, as Wesley indicated, we're setting up regional networks to do local support for colleges as they move forward in the future.

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Mrs Cunningham: Actually, it does show a four-year budget. It started in 1991-92, \$139,700; projected for 1994-95, \$446,600.

Mr Johnston: The money that's in for the year with \$139,700 was in fact the work of the committee, the task force, that set up the recommendations, and then the government decided it wished to proceed with them, and so the full budget came in the following year. So it's three years ending in 1996, and I think it's quite possible that we will be able to phase out some of the activities we're doing more quickly than that and transfer even more of the money that goes directly to facilitators etc into the system during that period.

Mrs Cunningham: Well, if you are going to take on some of the responsibilities, or you've been asked to, the Council of Regents—I think most of the members of the public took a look at you as being an adviser to the minister—then I suppose some of the other problems, as identified, you're going to be responsible for as well in some way. Two that I get, I suppose, that are discussed in my office a lot—and some of my colleagues may relate to this—are the high rates of inadequate reading and writing skills among incoming college students and a 50% dropout rate.

So one of the questions that we want to know the answer to is if our college system is training young people. One of the other challenges is that we're not meeting our job market, our labour force needs. I heard you mention OTAB earlier. That's another subject. But all of these issues have to be dealt with by someone. Now, is this also going to be your responsibility?

Mr Johnston: Well, coordinating the look at a couple of those issues has been, and some of them have been dealt with in other venues. The restructuring committee that was alluded to very briefly had as one of its prime emphases the issue of retention, to deal with the difficulties of success rate, if I can put it that way, in the first year of schooling. A sense of lack of preparation for students coming in, that was a major concern on the one hand, but also we're not sure that our funding formula and other things really allowed us to do the kind of remedial supports that were necessary for a lot of people, especially people coming in not directly out of grade 12.

If you look at Centennial College this year, 70% of its students this year don't come out of high school; they come from other sources. Those people may have been out of the system for a long, long time. So we think that retention is a major issue to be looked at, and we're hoping the restructuring committee will have some good suggestions there.

The school college committee that Diane is working on, which is another venue, a joint committee between the high schools and ourselves, is looking at enhanced articulation, and we hope by the end of October that their report will be public, Dianne, so you'll be able to see some of the suggestions they're making to increase the success rates there. There are some wonderful best practices out there that need to be systematized a little bit. We also work very closely with ACAATO in terms of some of the sharing of resources etc across the system to make us more effective. So we are one of the players but not the only player by any means.

Mrs Cunningham: I guess one of the other issues there, then, is your relationship with the secondary schools, because if we're educating our young people and we're trying to meet certain standards, surely you should be expecting at least if they come from within the Ontario system that they qualify, and maybe they do. Is that where you're finding the difficulty, or is it elsewhere?

Mr Johnston: Well, I don't know if Diane would like to join in on this one, but I think one of the real issues, from my perception, is that the high school system for years has been designed for two prime purposes; one was to get people ready for work after grade 12, and 65% or so of the population has traditionally gone directly from school to work. However, the other group has been primarily directed towards university, and very little of curriculum development and very little of counselling has actually guided people into the colleges. We think that in fact there needs to be a change of emphasis in curriculum around applied learning.

Some of the things we learned at the CSAC table, for instance, is that a lot of advance-level math students in the high school system cannot handle applied math when

they get to the colleges. They can handle theoretical math when they go to university, interestingly, but they have difficulty with applied math. So there is a fair amount of collaboration going on right now at a staff level and at the board-style level with people like Diane to try to work through some of those things. I don't know if you want to talk a little bit about your experience.

Ms Dubois: Well, I think you'll find the school-college report very interesting, because that was the major focus, I think, to get the secondary and the college sectors together to discuss how we can alleviate this problem of success and access of our students. There are many very important recommendations coming out of that to try to streamline and get the curriculum alignment from the secondary school to the colleges much more successful so that the pathways are as clear for the colleges as the pathways to university for the students. I think that's certainly addressed in that report.

Mrs Cunningham: Just in listening to Wesley talking about the challenges with regard to funding, faculty workload and training, and Diane now talking about curriculum, I just think you're all heavily involved in the operational side of the colleges. If that's what you're going to do, I think you should be speaking to the minister so that the system understands your role.

Mr Johnston: I hear continually about this confusion of role, but I just remind people who are confused that most of them signed documents like the CSAC document, like the Vision 2000 statement, all saying that these things should be done by the Council of Regents, and now they're confused by the role being undertaken.

We don't actually see ourselves as getting highly involved in the operations. On PLA, we are trying to assist in the implementation of something which does not just include the colleges but rightfully includes the broad communities in that process. Of all the groups in the college system at the moment, and you can ask the others, we are the only one province-wide that has already developed those kinds of networks.

There was also a lack of expertise in PLA, in the system, anything on a systematic basis, and so it had to reside somewhere. I believe it's much more cost-effective to do that at the Council of Regents than it is to do it within the ministry, which is your only other option under law. There's no other group that has mention in the act and authority within the act.

We're not actually taking on roles here that are unnatural for the Council of Regents. You go back and look at the things that were done during the beginning of the system or even in the mid-1970s, when all sorts of program approval took place there and other kinds of things, those authorities have been vested there in the past. We're in fact trying to do it on a limited basis, with huge inclusion of everybody so that the rules are clear about who is doing what and to get that transferred over to them.

In the case of standards and accreditation, we think there is a need for a new body, and it needs to sit separate. The government decided to save some money by having it attached to us. One of the ways they saved money is that I was the acting director without pay for

this last year, and that was a much more effective way than putting in an ADM to run that thing. So I think we've been quite cost-effective.

Mrs Cunningham: Nobody's going to complain about that, Richard, but your own family.

Mr Johnston: They can't complain. Compared with what I made as an MPP, I obviously earn more now.

Mr James J. Bradley (St Catharines): Everybody earns more than an MPP.

Mr Johnston: Jim, I think that's true.

The Chair: You have one minute left.

Mrs Cunningham: Someone mentioned that two of the 300 appointments had not come from the board. What did you mean by that?

Mr Johnston: In the cases Jim was raising, in our history there has been a total of only seven individuals we could go back and find who had been appointed in recent years who had not come directly as part of a board's nomination slate.

Mrs Cunningham: Where would they come from?

Mr Johnston: The greater community, names that were brought forward.

Mrs Cunningham: Through the minister?

Mr Johnston: I don't know of any. Jim can talk about them.

Mrs Cunningham: Where were they, Jim?

Dr Turk: The regulations specify that anyone is entitled to make a nomination to the Council of Regents for appointment, so sometimes people would write directly to us, some community groups would put a name forward, sometimes MPPs put names forward. Our usual practice—and I can't think of an exception to that—is to then send those names on to the college board for its consideration. The figures I was sharing with you were the number of times in which we appointed someone the college had not recommended. In other words, since the fall of 1990, we've only appointed two people who were not from the slate of names the college recommended to us.

Mrs Cunningham: Was this Conestoga, then?

Mr Johnston: One of them.

Dr Turk: Only one in—

Mrs Cunningham: Is that settled now?

Dr Turk: The appointments have been made.

Mr Johnston: We have to be cautious, as we get into this.

Mrs Cunningham: If you don't mind us pursuing this, just take your time.

Mr Johnston: I'll just give a short answer. I can't talk about individuals; what I can talk about is the process. As of June, the Conestoga board has a full slate of members on its board at this stage.

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Mr Malkowski: Thank you for your presentation. You were talking about reforms, and you said that a report would be released in a few weeks. I guess I can't ask any more about that because it's not been released

yet, but there's some disturbing information I've read, college board statistics talking about self-identification and the number of disabled people and what a low percent of people are appointed to college boards. Could you perhaps tell me why that percentage is so low? Is COR committed to raising those statistics to really reflect the diversity and to try and find a balance within the community?

Mr Johnston: I think if you turn to the appendix that Mr Malkowski's talking about you can see that over the last couple of years, through the use of the self-identification form, we've been able to note that there has been some growth of representation in a number of areas.

The one area that I think is still a disappointment to us is the area of having disabled people represented on boards. I think it's fair to say that as we've gone through each iteration over the last decade of getting more representative boards, there has been difficulty in doing it, and then once it's been done, it's been well accepted. I think of the fact that in spite of the announcement in 1972 that Jim read out about diversity on the boards, the Council of Regents itself only had four women out of 15 on it at that point as it made that announcement, and the average number of women in the mid-1980s would have been three per board, with a maximum of five on any one board. Now gender parity is accepted throughout.

There's still a little bit of grumbling around the move that was made by Minister Conway and others in the late 1980s about internal governors having representation. On the one hand, you get some people who say that there's a conflict of interest with those people being on a board; on the other hand, some people complain that they're treated as second-class governors. So that's still settling it's way through.

The issue of disabilities and people with disabilities being represented on the board is something we've only been addressing in the last three years or so in an aggressive fashion, with annual letters to the boards indicating that we were disappointed in the results. But when you're looking for 12 members, external members on a board, and you're trying to put together all the talents etc that are indicated in this document that shows the kind of people who have come on to our boards, some boards have said that was difficult to accomplish.

We intend to make this a major priority over this next time. As you can see, on the representation of aboriginal representatives on the board, we have actually made substantial gains in the last few years, even though three years ago you would have been told that was a very difficult thing to try to accomplish.

Mr Malkowski: I hope that when we're talking about the governance report this issue will be raised there, but thank you very much.

Mr Tony Martin (Sault Ste Marie): I want to be on the record commending you for the tremendous efforts that you're making. I know first hand from my position within the Ministry of Education and Training and as parliamentary assistant the work that is being done within the ministry to make sure that our colleges are in a place to prepare our young people for the future and to offer the best of services in some very difficult, challenging

times. That's a big task at the best of times.

I wanted to ask you just a couple of questions, and it's around the linking that I think needs to happen between high schools, colleges and universities. In my community, Sault Ste Marie, you may be aware that we have an organization called Bridges which is developing common agreements between the Lake Superior State University, Sault College and Algoma University College. There's beginning to be a flow back and forth and around, and a sharing of resources, such as libraries and library resources, and those kinds of things.

I'll ask you two questions in one so that others can get on the docket here. My first question is, how many pilots of that kind do you have happening out there, and how is that going? I ask that because I've had my own personal experience. I went to university and then after finishing university decided I needed to know how to do something, so I went to community college and graduated from there.

Mr Johnston: That factor is happening a lot more.

Mr Martin: Some of my friends saw it as a step backwards or down or whatever. Certainly for me it was a step forward and out into the workplace, and it was very good. So I'm asking you what is happening, outside of the example that I gave you in Sault Ste Marie, in the province to have those linkages more out there and people using them?

I know that you've made presentation today on the prior learning experiment and work that you're doing there and common standards across the province so that people are being both recognized and prepared. The second question is, what work are you doing within the council to help colleges and communities identify more readily what it is people will have to know how to do in the next century? That's one of the big questions that people ask me in my constituency office: Are we preparing our kids for the next century or are we preparing them for jobs that are just not going to be there, that have disappeared? Somebody has to be doing some work around that; I'm wondering if the council is, and if it's not, who is.

Mr Johnston: On the first, I think that the statistic of people coming from university backgrounds to colleges is changing at a phenomenal rate. I haven't seen the statistics this year, but last year one out of five students, 20% of the students, coming to colleges had university degrees or experience. The percentage of graduates of colleges going on to universities had not changed dramatically at all.

I think a lot of people were going through what you went through. It's a major trend, and it is one of the reasons why having some standards across the system is so important in terms of knowing what people can bring as credit, and with prior learning to make sure those people who have got a really broad general education from a BA don't have to go through all of that again as they come back into the colleges. That's a very important step.

We have a number of projects: some that started under transition money two years ago; some like the Mohawk-

McMaster and Seneca-York projects, where there are actual physical structures the universities will be sharing; a place like Canadore of course has for years shared with Nipissing, a university now. There are a number of individual examples of that. The minister has encouraged people, following the latest Pitman report, to actually go and develop a consortia to try to encourage this to happen more quickly.

Council is of the opinion that they should have gone further still and actually had a body that could require that kind of collaboration more than we have presently, because nobody has that authority at this stage. Maybe Walter wants to talk about that when he comes forward here.

I think there are a lot of things happening, but not as many as in other jurisdictions. You look at British Columbia and you look at the role of colleges that are giving degrees at this point, that is just not part of the culture of Ontario at all in terms of the relationship between the colleges and universities.

In terms of the work in terms of market prediction, one thing you can say over the years is that everybody's been abysmal at it. I'm not sure if us joining the research on that would necessarily make it any more effective.

I think our approaches are twofold. The colleges are a very practical system. First, we have our advisory committees on a local level. They have their feet on the ground and know the local pulse in every community in terms of what hiring is happening and where people think growth should take place. That is still one of the strongest aspects of the college system that Mr Davis required us to have during the beginning of the system. But I think as well the collaboration at the standards and accreditation level across the province is also going to help, as well as at the prior learning assessment table, where people can come forward and start to exchange practical experiences about where growth is taking place and making sure that we aren't spending too much time going down dead ends.

That being said, we believe that OTAB is in fact probably a more effective place for this kind of research to be taking place, and it is a place where they in fact intend to do this kind of market research. We have OTAB at each of our tables. Hopefully, therefore we will, then, make sure that colleges are very much in tune with the philosophy of the Ontario Training and Adjustment Board as it moves forward in that area. We actually think the market partners of labour and businesses on that board are much better predictors than are the providers of service. We tend to sometimes get the fact that we need budget in the way of decision-making there, whereas people who are driving the engine of the economy generally speaking have a clearer vision; at least we certainly hope so. They do better than government did in the past anyway.

1520

Mr Kimble Sutherland (Oxford): I guess I just want to make the comment that it would seem sometimes in this particular committee when an opposition party chooses an agency to be reviewed it's because they're looking for a bad-news story in terms of how it's reflec-

ted out in the public but maybe good news from their perspective.

It would seem to me, regarding what you've presented today, that really what we're hearing is a good-news story in terms of how your organization as the college of regents has been operating and how the college system has really responded to the dramatic changes overall in terms of the increased enrolment. Everyone understands the tight financial times and so I think that's good to hear. I'm sure, based on the questions Dianne was asking, which were good questions—and she didn't add any comments afterwards, so I know she'll be going back and telling everybody what a good job the college of regents is doing and getting rid of all the confusion that may be out there.

Mrs Cunningham: No, I can't get rid of the confusion. I can't do that, Kimble. I'd love to.

Mr Robert W. Runciman (Leeds-Grenville): An election will do that.

Mr Sutherland: Oh, I'm sure you will, Dianne. Anyway, I do think, though, it's a very good news story here. Obviously there are still more things to go on, but the work you're doing with the standards and accreditation council, the prior learning assessment—I will tell you I had someone in my office about three weeks ago regarding child care supervisors. She had run her own child care for about 20 years and still going through the challenges of being recognized for that. That ongoing work is definitely still needed.

The one question I just wanted to ask though is, there is a sense, and folks in my part of the province—and I guess I'm sometimes guilty of this too—are always worried about the big, bad people here in Toronto dictating to them how they should operate. Some people feel that in terms of your organization's role in terms of appointments and other things, you are trying to give that big, bad central Toronto-oriented approach to how these community—emphasis on community—colleges operate.

I don't get that from your presentation today, but I'm wondering if you could just comment. You mentioned earlier about the tension, but maybe comment as to how you see that balance going in the future in terms of ensuring there is some province-wide accountability, but still meeting community needs.

Mr Johnston: I think the whole system is committed to the need for local and provincial balance. We wouldn't want to move, quite frankly, to the Quebec system of overcentralization. We think there's been a lot of strength in a decentralized approach, but we've also had some weaknesses there and we're trying to address some of those at the moment.

I think it's also fair to say that you look at the depth of the reforms we're looking at and compare, for instance, what we've been doing on CSAC on generic skills in only a nine-month period to what's been going on in the high schools over a decade around standards in that area, we are moving reforms at an incredible pace and it would be bizarre to think that there wouldn't be some backlash to the speed of reforms, especially in a time of the huge insecurities that are out there at the moment.

I'm not surprised about that, but I think, as a committee, if you listen to who comes before you, you'll see that there are very different opinions about what the Council of Regents has been doing, depending on the stakeholder groups. We don't serve just one, in our view, we try to represent the interests of all the stakeholders, as well as the interests of the general public. That balance is sometimes hard to do and you sometimes take some flak for it, and I think we've had a little bit of that.

In terms of being the big, bad people from Toronto, it's always amusing to Ted from North Bay and Diane from St Thomas to be numbered among those, not to mention Mary Lou Iahtail from Moosonee. As we make decisions, we try to be as responsive as possible to the needs locally. At least five of the people on our council have been past board chairs, generally speaking, or board members. We have now tried to get a small group of at least four to five francophones on at all times and we try to be representative of the overall communities. You can see by the map of where people are from.

It's also fair to say that we recognize we have a provincial role, and I think it's important for anybody who is in government or aspires to government, and it's always the case during election years that everybody's aspiring to government, except for me who retired instead of that sort of thing—

Mrs Cunningham: At least to this point.

Mr Johnston: But those who do should think about the nature of the accountability. These are all provincial tax dollars. This system started off with four municipal members on each board, produced by the local elected councils. That was ended because in fact there was no local money involved and they couldn't get a deal from the local council to come on to the local boards of colleges.

This is a provincial system. You want to sponsor decentralized creativity. That's been vital to the system, but you also have a responsibility for the system as a whole, like the universities or any other sections of the education system, and therefore you need a group that is actually keeping that board appointment process accountable. So there will always be some tension. We're just hoping that with our liaison teams being effective, linkages by a very clear protocol—you compare what was done in the 1970s, when the council said, "Give us three names and we'll choose any of them," no rationale for what the names should be except that there should be diversity.

You look at the protocol they now have to go through, it's a much more sophisticated form of representational appointment than any other system, I think, of public appointments across the province, one that should be looked at for hospitals and others, for instance. I think there are always going to be tensions but, on the whole, this system has worked remarkably well for the last 27 years or so and I think, with the reforms we're talking about, as we get through these tough periods, people will look back at this as a heyday of our expansion of the community college system.

The Chair: There's just less than four minutes.

Mr Daniel Waters (Muskoka-Georgian Bay): The first question, Richard, I'd like to touch on just briefly, if you could give us some indication, is the fee for service, such as WCB and Jobs Ontario Training, UI. Is that a growth part of the college system, where there are other parts of government actually paying into the college system?

Mr Johnston: It's been a huge part of the system for years. You have three sides to the colleges, and people always concentrate on the post-secondary side, and the statistics we've been giving you are all to do with post-secondary. Besides the 135,000 or so students coming into post-secondary this year, there are almost 800,000 people who come in on a part-time basis, not for mostly educational entertainment but for upgrade. They're very practically minded. On top of that, you have training courses and some colleges are much more involved in that than others. George Brown is highly involved in that, for instance. Some of the federal cutbacks in the last couple of years have hurt that side very dramatically.

There is huge nervousness in the system about the role of OTAB and how that's going to affect the colleges and whether or not we'll continue to be sort of the prime apprenticeship deliverer and the kind of things we've had in the past. It's an area of very large insecurity at this point and already has had very severe impacts on the colleges like Fanshawe, Mohawk, George Brown and Algonquin. The ones that have the big training responsibilities have been hurt very hard in their budgets.

At the same time as that's true, there have been some new initiatives, some, like the ones I'm involved with around JobLink, which we hope will produce some new clientele for the colleges in an appropriate way and some of the initiatives you'll hear from ACAATO about, I hope, like Con-nect—I hope they speak about that a fair amount with you—that I think will position us magnificently for sectoral training initiatives that we've never taken before. I think there's good and bad news in that area.

Mr Waters: One of the things I heard when I sat reviewing WCB was the need of some of these—and I was wondering how the college system is dealing with this—the need for some of these people who, let's say, come off WCB—because in rural and northern Ontario they have to travel great distances. They're not students; they have two or three kids at home; they have a wife at home. How indeed is the college system adapting to this new student who has special needs who doesn't have the ability necessarily to go through the system as fast or at times as slow as a regular student? Do you get involved with that?

Mr Johnston: We are dealing with it and as best we can. It's sort of a catch-up kind of situation at the moment. On the restructuring committee, one of the things we're looking at about that is flexible and compressed delivery options to allow people to move more quickly or more slowly through the system than our traditional post-secondary routes have allowed. We also hope there can increasingly be flexibility for injured workers and others in terms of some of those other kind of family supports.

Changes in tuition rates have worked against that.

Some of the money we received to help people with disabilities come into the colleges has helped on the other side. There's a bit of a tradeoff there but it is a growing clientele in the sense of people coming wanting more generic skills, getting their post-secondary education as their major security in the economy is becoming the new phenomenon.

1530

Mr Waters: The other part is that I guess these people come in with different expectations too, I think, of the college system. They've been in the workforce and they want back as fast as they can. They have a family somewhere. They want to get back to that family and they want to get the education they need or the skills they need and get back there. Is there some sort of a system where we're getting into a bit more broad based about advising them what their options are so we make sure that indeed these people are getting back as fast as possible, especially these workers that ultimately would just as soon have been at their job all along—get back to a job?

Mr Johnston: If they're coming through the training side, that's primarily handled by the training referral, whether it's UIC or whether it's WCB. If they're coming into post-secondary, then that's where prior learning comes in. We basically try to figure out how best to recognize what they already know so they don't have to study it again, and to design their programs in ways that can help them get through more quickly.

But some of our funding formula don't help that, some of the ways we organize our collective agreements don't help that, and we're trying to find ways under the restructuring committee to try to address some of those issues. It's a big challenge, especially with the numbers you're talking about. The relevancy of the system is indicated by the fact that 40% more people are coming now than came four years ago, five years ago. People want this kind of education.

The Chair: Mr Malkowski, we're out of time, I'm sorry.

Mr Malkowski: My only comment for the public record was congratulations on the hard work and the leadership for COR.

The Chair: Mr McGuinty.

Mr Dalton McGuinty (Ottawa South): Let me begin by welcoming Richard and his colleagues to our committee. I have a series of questions and comments I'd like to make concerning COR and our college system in Ontario today. All is not well, contrary to what some would have us believe, and I'm sure all of our deputants would recognize that.

There are some problems, but let me at the outset state that our college system during the past quarter century and then some has served Ontarians very, very well and I think it continues to show great promise. It's meeting some unprecedented challenges at the present time, but all is not well.

Let me begin by touching on the governance issue. That is a very controversial issue. Many friends of our colleges have contacted me personally to raise the conce-

rns connected with the proposed change to the means by which we appoint or place people on our volunteer boards which help run our colleges. Just so committee members understand, at the present time there are 16 members sitting on our college boards. Four of those are internal members, as Richard I think made reference to earlier.

There was a proposal put out by the Council of Regents. I guess it was the governance committee in particular which said that we were going to in effect introduce a quota system, that we were going to have three persons who will be defined by—I guess one would be a labour representative, one would be a disabled person, the other would be an aboriginal person and these persons would be elected to the board.

As I've already said, this is very controversial. The criticisms that have been levelled at this by governors in particular was that this was usurping the traditional role of college boards to choose board members that best met their needs as they saw them and as they defined them. I think one of the reasons our colleges have succeeded so well during the past quarter century and then some is because they have had that flexibility at the local level to determine what their needs were and to make inroads towards meeting them.

The second concern raised with this approach to changing the governance was that this was a constituency model, and there's a very real concern that if I'm elected by a particular group I will see that my accountability is owed to that particular group. After all, they're the people that sent me, and I will not look to the broader public interests, the college interests, the community interests.

Correct me if I'm wrong on this, but all college boards but one are opposed to this notion. Then there were the unfortunate—and I use that word advisedly—unfortunate comments of Mr Turk who indicated that he felt those who were presently sitting—I don't want to paraphrase him. I have a copy of his letter which he sent to Bev Marshman who was then the chair of the governance committee. He said that, "While the gender, race and ethnic makeup of boards of governors have become more reflective of Ontario, the boards continue to represent a small and unrepresentative upper social economic elite within their communities. In other words, although there are more women and more visible minorities, they are remarkably like the white men they have replaced."

That sparked a flurry of correspondence and calls to my office, particularly from the many, many persons from minority groups, disabled persons, who felt insulted by Mr Turk's comments; who felt that with one broad swoop he had labelled them as being there as merely tokenistic and not there to serve in their best capacity.

The minister, quite rightly, has distanced himself from Mr Turk's comments. I believe you, Richard, have distanced yourself from Mr Turk's comments. The other factor that made this so controversial was the unseemly squabble at Conestoga, where that community college, using what it felt was its best judgment in terms of people who it wanted to have appointed to its board, saw those recommendations rejected.

I want to allow you an opportunity to comment on this.

I think it's important that we clear the air. Where is this at? Will the governors be given a chance to speak to this again? It's over in the minister's office, I understand. Is he going to kick it back to COR or is he going to come up and say: "Bang, this is it. This is what we're going to do." Could I have your comments, please?

Mr Johnston: Let me start off with the general and I'll let Jim speak for himself as is our wont in the Council of Regents. We let our people speak for themselves.

First, in terms of the report—start at the end and work back. The minister doesn't have it as yet. When he gets it, as is normal, it's his report to do with as he pleases. We will encourage him to release this as quickly as possible to the system. The reason it isn't ready yet is because so many revisions were made to the report as part of the consultation because, although it's been depicted as otherwise, it was part of about a three-year process as is outlined, I think, fairly well for you in the report put before you today and we were wanting input.

Although the boards were fairly firmly opposed to the recommendation put forward in number one, others thought we had backed off very important principles of constituency representation in the approach that we'd taken, and in the end we've come up with what we think is a fairly good response to the overall issues of getting at the linkages to the community that we wanted without having to go down the route that we put forward in the first recommendation. But that will have to wait in detail for the minister to release it.

We think the system will be very happy with the document that we do finally come out with, and their input has been very helpful to us from all the different stakeholders.

I should say that constituency representation on our boards is not new. I really want to emphasize that. We have had labour seats on our boards from the beginning of time, recognizing that in fact you would not get representation from labour on those boards, you'd just get business representation and you wouldn't have the two sides of the market on those boards. That constituency seat has been there for a long time and the process we use now for getting people on there is one which just started around 1987.

The other thing I'd say is that the move towards real constituency representation of internal representatives with the announcements by Mr Sorbara and the subsequent Minister of Colleges and Universities under the last government are the major moves towards constituency representation that we've seen during the period of the college's history, and we think are generally speaking being fairly well accommodated within the boards themselves out there. It would be interesting to hear their views when they come forward. I think there are some frustrations but not that many of them.

We believe that what we were doing was trying to bridge some gaps in our own council, and to put out some positions that would provoke discussion and get us some response. We managed to do that brilliantly and had lots of responses on that, and we've actually learned a lot from the variety of groups, including external groups to our system, about how best to do some of the things we

have been trying to do. As I say, I think the report will be a useful one to the overall system. Unfortunately, it wasn't interpreted in that fashion.

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It's not our policy to talk about our circumstances with individual boards in a public forum. These are difficult things to do. You can never talk about them adequately because they are all things that revolve around personality as well as public policy, and it's hard sometimes to extricate all those things. I think we have stated in public a number of times that we regret that the communication failures that happened around Conestoga did take place and we're glad the process finally was re-established. I thank especially the work of Ted and Diane, who became the liaison team to try to sort that sort of thing out with the board. I think it was very helpful, so I thank both.

Jim wants to make a comment in terms of the quote, and then Ted.

Dr Turk: I'd actually like to address several of the points you raised. The document to which you made reference at the beginning of your remarks was a discussion paper that the Council of Regents put out. It was not a statement of our intentions as to what to do but rather a number of suggestions that had come through the council that were sent out to the college system for discussion.

The part on constituency representation was not a suggestion that different constituencies would elect representation, but rather to say that if indeed it was the intention to have aboriginal representatives on every board, it would probably make sense to have the aboriginal community within that college's catchment area nominate the person. So it was to involve the constituency in the nomination process rather than to have the people sitting around the board table generate the nomination for the aboriginal community or for the black community or for General Motors or whomever.

As we talked about constituency models, there were some of us who favoured a full-fledged constituency model, as OTAB is. There were others who favoured no constituencies. What was put out there was a compromise of sorts that identified certain traditionally underrepresented constituencies on boards.

While you made reference to many disabled people phoning you, the fact of the matter is there are only 12 disabled people on all the college boards. That's been a relatively recent phenomenon as a result of the council trying actively to encourage more representation, not only of people with disabilities but of people with linkages to organizations of people with disabilities so that when that individual is sitting there on the college board, they can be a real link to another part of the community.

This was described as usurping the role of boards, although it's never been the role of boards to make appointments. The role of boards has been to forward nominations, along with other sources, to the Council of Regents.

If you go back to the opening quotation from the 1972 guideline to governors, the intention then was as it is now. Had the Council of Regents a decade ago not become serious about gender representation, the pattern

of only three or four women on each board would likely have continued. In a sense, the Council of Regents said: "We are going to assure that there's gender parity on every board. That's a public policy decision that we've made."

So there's always been the council playing a role, trying to enact the intention that was stated back in 1972. After it's been done it's been reasonably well accepted, and boards, I think without exception, would indicate they're richer today as a result of our insistence, not theirs, that there be gender parity.

With regard to the constituency model, you were suggesting in your remarks, if I'm not wrong, that the danger of such a model is that people won't represent the broader interest, they'll only represent their own constituency. But surely, I would ask you, when you think of passing legislation or voting on bills, you don't simply vote as the member for the people who've elected you; you also try to think of what's good for Ontario. It's not a delegated system that we have in our legislatures.

The constituency model, as Richard indicated, is also not new. Not only have we had labour nominees on boards for a number of years because there was an underrepresentation of people from a working-class background on boards, but we've also had a number of other constituencies represented. There's virtually always a representative nominated by General Motors on the Durham College board. It makes sense. Durham is primarily the Oshawa area and General Motors is the major employer in that community. It would be crazy not to have a representative.

You don't have the board sit around and say, "We'll pick the person from General Motors." They meet with the president of General Motors and other senior officials and look for someone who will be a real link with the corporation. The same with Sault College and Algoma Steel, or the Big Three auto makers and St Clair College and so forth.

It was an extension of that, not to mention the practice that was set up under the previous government of having internal constituencies represented. It was putting out that idea: Is that a way to build better linkages? That's really the objective here, to build better linkages between the diversity of the communities.

With regard to my own comments which have been cited so often, I first find it somewhat interesting that a private letter to the chair of the governance committee assumed such public significance, though I guess in this day and age one has to assume that anything one puts in writing is likely to appear in public. But again, the claim I was making, whether one likes the choice of words or not, was a claim that I think is factually correct: There is a serious underrepresentation of certain socioeconomic statuses on boards and an overrepresentation of others.

If you go back to the 1972 language, it talks about "drawn from a variety of occupations, interests and backgrounds, and should be representative of any large proportion of citizens of distinctive national origin, race, religion or economic status." There has been traditionally, and continues to be in my view, an underrepresentation of people from a middle and lower socioeconomic status

on boards, even though the bulk of the student body comes from those backgrounds. That was the intention I was trying to articulate.

Perhaps I'll just leave it there. I'm not going to make a comment on a specific college, for the reasons Richard indicated. It gets rather difficult, although Ted may have something useful to add to that.

Mr Hargreaves: The reference to the Conestoga College issue: I too of course cannot reference individuals but can reference process. I was a former chair of a small college called Canadore in a city called North Bay before I went on council, so I understand the tension between the two bodies and the sincerity with which nominations are made from those colleges. In this particular case, as our chair referred to, he regretted the communication difficulties, and I think that's what happened.

However, I have to say that I think council genuinely tried to respond the best we could under our chair's advice. With his initiative, three or four of us went down, met with the executive and the president literally over a pizza to try to come to some understanding of the difficulties that had come about.

To my satisfaction at least, I regret the pain that they felt they went through. I think we do have a resolution and success was achieved, but it was achieved because of our commitment to collaboration and inclusion. Simply, we went down and we heard them out and found what the problem was and tried to be a part of the solution. I think that's the best we can ask in complicated times with difficult issues.

Mr McGuinty: All right. I don't have time to properly respond and I don't want to engage in a debate. If you don't sense this, and I think that in your heart of hearts you do, there is a perception out there that a great deal is being imposed from the Council of Regents on the various colleges, located as they are throughout the province. There is a perception that there is a concerted effort to centralize, and people are asking, "How in the name of God did we run for the first 25 years without all of these indispensable, innovative approaches being brought to our colleges," whether it's CSAC, prior learning assessment, reform of the governance methods used at our colleges; just so that's on the record.

I want to talk about general education. General education is another controversial area. This has been raised with me, particularly by faculty in technical programs. As you're aware, there's no additional class time devoted, no additional money. As they see it, they are being asked to give up some of their class time, core programs, for instance electronics, in order to devote time to general education.

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I'm not arguing that general education in and of itself is not a good thing. I am just saying, when we've reduced core programs from 30 hours to 23 hours per week, and now it's going to drop to 20 hours per week, I'm very concerned, as they are, whether we are going to be able to transmit to them the necessary core elements that they're going to need to get that job.

Now, advisory committees have expressed some

concern about this as well. Students have told me that—remember, we're talking about students who are, what, 26 years of age now? That's the average age. They see it as paternalistic. They sign up and they say: "This is what I want as a core program. Get me this thing." We've even got a case in Ottawa where, as you probably are aware, we've got a student suing our college because he felt the program was deficient. It didn't deliver on what he thought it had promised to deliver, so breach of contract essentially.

Maybe just so committee members understand what we're talking about, we're talking about gen ed in the booklet here called General Education in Ontario's Community Colleges put out by CSAC, January 1994. It describes some of the goals for gen ed. "Aesthetic appreciation: understand beauty, form, taste and the role of arts in society. Civic life: understand the meaning of freedoms, rights and participation in community and public life. Cultural understanding, understand the cultural, social, ethnic and linguistic diversity of Canada and the world," and so on.

Now, those are good things in and of themselves. I'm not disputing that. But if I'm in there to get my welder's certificate or whatever and I've paid my money as a student, I'm not sure I want my hours to be reduced in order to inject general education. I wonder if you could respond to that and tell me where we are, please. What's the status of gen ed in our colleges today?

Mr Johnston: Sure. Let me start off at the beginning and move through to the end. The reforms that we're involved with are not Council of Regents generated. They were generated out of Vision 2000, sponsored by Lyn McLeod as minister, bought into by the whole system, signed off by all the management of the system, boards of governors included, and by the general public, that the reforms we're now moving on should be moved on, and with some precision the Council of Regents was asked in those documents to take a role.

All that's happened since is that we've been assuming those roles. But they're not easy roles. It's easy to talk about reform, but once you start to do it and you start to change and you do it in a time when there's not much money around—and I buy that premise that you're saying entirely—it creates an extra tension above and beyond the tensions that we have.

But that need to change the system after 25 years was accepted by everybody. There was a lot that was good there that we have to preserve, but there were some things that we have to change and, yes, a number of those were centralist kinds of things.

Except that even if you look at standards, we're not talking about standardization. We're talking about outcome standards, and curriculum control is still local. If you talk about general education, it's guidelines that then get operated at a local basis. It's not being inflicted from above. Not only that, but the people who are doing this are all people out of the system, out of those colleges, out of businesses all around the province. So it's not an arbitrary thing the government is doing; it's very much part of where the system has wanted to go. But yes, it's difficult. Believe me, I know how difficult it is.

In terms of general education, I think it's a particularly difficult thing to move back to the rhetoric of William Davis, because if you go back and read that first speech and the speeches that he made afterwards, the move from the technical institutes into post-secondary institutes, where general education was part of what post-secondary is about, was part of the premise, and some of the language from those days talked about 50% of what we do being general education. That got eroded with funding problems over the years to being virtually non-existent in some colleges and about 15% to 18% in other colleges.

What's happening at the moment is a move to try to put some of that back in but exactly at the most difficult time, as you say, because there was the reduction of programs. So I think it is particularly difficult in some areas, like the heavy technical side, to see how you do that, and I think we have to find some really creative solutions at the local level to know how to do that appropriately.

If you talk to people at Cambrian and you talk to people at some of the colleges that have found solutions, I think some of the colleges that are having difficulty should learn from some of those best practices about how to do it without losing the maximum number of hours that you've already alluded to. We have been trying to give as much flexibility in timing to bring this about as we could. We were asked by cabinet to actually do this within one year. We've basically now said to the colleges, "Give us our plan for how you do this." We recognize that there are difficulties.

Even with that, over 80% of the college programs have managed to bring it in, so it means that in 20% we haven't done it yet. We can work together on plans to do it. But some entire colleges have all their programs involved, so therefore I think there are ways to learn from some of those best practices, and over this next period of time, we intend to go out and find out who's done it well and try to share that with some of the ones that are having difficulty managing at this stage.

If we can't do it without more money, and it may very well be the case, then that has to go back to governments, which with their shrinking resources, have to decide whether or not they can continue to invest in that reform. That won't be our decision; we're just doing what cabinet asks us to do.

When I say "we" at this point, I'm speaking as the acting director of CSAC, not as the COR board, which has not made one comment at this point about any matter coming out of the standards and accreditation council. We have not written one commentary about whether or not their suggestions have been good or bad. We have left that authority with them, because as I said at the outset, we want them to be as independent as possible in this process.

I think the outcome of it in the end will be a very positively enhanced system, but we're going through some pretty tough times in making it happen at this stage because we can't throw money at it like we did in the 1960s when we got started.

The Chair: Since Mr Johnston only took 40 minutes of his hour at the beginning, would it be the wish of the

committee just to do one more rotation of five minutes each caucus?

Mr McGuinty: Yes.

The Chair: All right. Then we'll start with the third party, Ms Cunningham.

Mrs Cunningham: Since we've had a few history lessons here this afternoon, I should tell you that the minister sent a letter to the committee describing the responsibilities of the Council of Regents and the policy objectives that you serve. It was interesting, because in the very beginning the determination of college program offerings, of course, was the responsibility of the council, and it was to undertake a study of the post-secondary and adult education needs of the community. It went on to talk about the responsibility in producing graduates in technical education.

If we were to take a look at the success of the colleges, I don't think a 50% dropout rate is successful. It's obviously a concern of Vision 2000, and I would ask you to respond to that, as well as how you feel the training needs of each community are being presented, either to yourself or the colleges specifically. We know the engines that will drive the North American economy are in the area of health-related skills, certainly food services, and technology and communications. We're all pretty sure that those are the main engines.

I think the public wants young people to graduate where the needs are, not only in the big picture but in their own small communities. So, Richard, could you address the concerns that you've got with regard to whether we are meeting those training needs and then what you will be recommending about this 50% dropout rate.

Mr Johnston: Let me start with the dropout rate, if I could, because we were both on the select committee which used to look at the figures for the high school system. I think our figures are just as misleading as those figures that used to be thrown around by a certain ex-Toronto Star expert on such things back in those days.

Our 50% figure, or 40% or 35%—you can get a range of figures that are put in for dropping out of the system—

Mrs Cunningham: This was the Vision 2000, wasn't it?

Mr Johnston: Yes—unfortunately doesn't distinguish between a number of things, some people leaving courses to take work without actually bothering to get their certificate—because as I recall, for instance, in a journalism course in Centennial, they were told by the Metro-land newspapers in the area: "We'll hire you now for \$200. If you finish your second year, we'll hire you for \$200. How do you want to come? Do you want your job now or not?" So people would jump out.

I don't know if that's a bad failure of the system or if it's just lack of coordination with an employer about trying to get the full range of skills or whether it was a good thing.

I think we need much better analysis about the dropout situation. I think we get a lot of people who leave the system and come back part-time. I think that 800,000 they talk about is a lot of people who've decided they'll

go back, take their work, and they'll come back in on a part-time basis. They haven't really left. But we have no statistical basis at this point of following them. I've got a feeling the success is better than it looks.

The reason I say that, Dianne, is that if we were doing a really bad job, why would they keep applying to us in such enormous numbers when there are so many more private options around these days than there used to be? As I say, they're coming to us in droves, whereas the university system is not essentially growing this year at all. If you compare us over the last five years, it's a big, big difference in terms of the interest.

1600

My sense is that we've had some enormous success. On the other hand, as we've brought people in more and more, I'm not sure we've had the resources or the remedial capacity to assist them, or the PLA capacity to find their strengths as well as their weaknesses to help them choose some of the things. Hopefully, some of the reforms we're involved in will adjust that. But I'm not really clear at this stage on how difficult our situation is. As soon as the recession deepened, the retention rates rose—interesting. There is some connection to the availability of jobs.

On the other side, I still think that the best connectors for us are our local advisory committees in terms of what the real jobs are in the local area. I still believe that. I think that will be enhanced at the provincial level through business people who are involved in our College Standards and Accreditation Council. I think the local training boards and—

Mrs Cunningham: Are you talking about the OTAB now?

Mr Johnston: Yes. I think those local boards, plus the provincial board, I hope, will make this a major focus of their statistical research. It certainly has been part of the presumption of what they will do up to this point, and we will be intricately tied into that to make sure that the colleges stay as relevant as they have been over the course of the last 25 years.

Mrs Cunningham: If I can just add a couple of things, I certainly didn't ask to have you come before this committee because I was looking for weaknesses. I had you come because I think there are lot of challenges in the system.

Mr Johnston: There are.

Mrs Cunningham: I think the real losers if we don't do things well are the young people who don't have jobs. I'm asking questions because I'm looking for solutions and I want you to do a good job. I personally think one of the criticisms—and perhaps you could close on this—of the OTAB is that they have gone from some 48 advisory boards down to 25 and may not in fact meet the needs of each local college, because there are so many—you know, when you're in there working for a college, you want young people to be trained for your own little rural area. Local business people in Timiskaming want you to talk about what they do best and to keep their young people as far as possible, whether this be fair or not, in their community so their businesses can survive.

I think that may be a problem; I'm not sure. If it is, I don't think the colleges can afford to wait around for some big board, big bureaucracy to tell them what to do. I'm just wondering, if that's the case, what are you doing about it now? We don't want to talk about doom and gloom here, but we need to know what the kids need to know to get a job this year. Is there some other backup to this?

Mr Johnston: It will be great when the presidents arrive actually to talk to you, because I think they'll be able to give you good anecdotal evidence of how the colleges have continued to find creative ways to bring in their local business partners, and labour partners often, to assist them more creatively. I've seen a whole slate of special forums that have been set up to come in and address the issues of local planning needs at this point.

I hope that increasingly they will be planning to affect the OTABs more. As you know, we don't even have a seat on the provincial OTAB. With a billion-dollar investment from the province in this area of applied learning, it's of real concern to us that we don't have that seat at the table in that structure.

Talking about the French needs, they're already highly underrepresented in training needs. Our big concern is, how do we get the college of the south, which represents the area of 16 English-speaking colleges, on to any board of OTAB to be able to have any kind of impact? Is that all just going to be left out?

We have enormous challenges in terms of the integration of what was an enormous investment by this province in a whole new level of education in the 1960s with the reorganization of the labour market training approach in the 1990s. There will be a lot of bugs to iron out, an enormous number.

Mrs Cunningham: Can I just make a comment? I want to thank you for that, but you know, we were very concerned about the lack of representation on the OTAB board for education in general. I'm glad you mentioned it, because I really think you are a key training element. I don't understand why government moved the way it did in that regard. I thank you for sharing your concerns with us.

Ms Margaret H. Harrington (Niagara Falls): It's very good to hear from Ms Cunningham that this is a positive exercise in trying to meet the challenges that face us.

I was very curious also about the French-language college extension in the south. I'll be looking forward to hearing more about that very shortly. The announcement will be coming.

In your remarks, you made the astounding remark that in the past four years your enrolment has gone up 35% and you have been doing that educating with 25% less. Obviously, that's reflective of the private sector, business, in the last four years as well as many of the public institutions. If you have any secrets as to how this is done without compromising quality, maybe you could make some of those remarks, or maybe it will come out over the next four days. That will be very interesting. It can be done and it is being done in various sectors, but there

certainly are secrets, and I think probably one them is partnership, working together and listening to the front-line people as to what is important and what can be not so important and let go of. I certainly would like you to share those.

I have one further little question, and that is about the prior learning assessment. I'm wondering if there is a per-student cost to that and if that's a problem, say, with the student who comes to one college and is assessed and then does not actually end up being a student there. If there is a figure that's a cost per student for that, maybe you could let us know.

Mr Johnston: Sure. Two things: First, it has not been done without some pain, and I think there are many in our system who would argue that it is dangerously close to affecting quality, if it hasn't already affected quality, in the system to do that. But as a president said to me the other day, we feel obligated to meet the public need, and when the people are banging at the doors to come in you try to find every space you possibly can even if that's economically unwise. Presidents will be able to speak to this pressure on their budgets a lot more than I can.

But our partnerships with all the groups have really helped us get through this period in ways that I don't think we could have if we hadn't had them. I just think of the work we did with students on tuition fees and the work we've done with the union about how to use prior learning assessment, because it flies in the face of our collective agreement, which is quite rigid in terms of what we call the release from actual work, which is a very rigid system, and we need flexibility in terms of releasing people to do prior learning assessments. We've worked out a very good approach to trying to work that out this year, to make sure that reform gets a good test.

But I would say that—just to give the system a major plug, if I could—hospitals are often used as an example of people who've really responded well to the cost reductions. They've done that well, and I give them that, but we've not only had the same percentage reduction, we've actually increased our clients by 35%; it will be 40% this year. I mean, just think about that. That is phenomenal, and it is really putting attention on you. You wonder why it's difficult to move on these reforms now. When you've got that kind of a world putting pressure on people, it's very hard to move the yardsticks in a fundamental way like we're trying in a couple of these areas. To understand the difficulties we're facing, it's because we have been so responsive, and I just hope we start to get more credit for it than we have as a system.

Ms Harrington: Today, we're starting to.

Mr Johnston: The one thing I'd say about the fees is that there is an actual cost of undertaking a prior learning assessment; I don't know if you want to speak to it or if you want me to. It's a formula which we've now had approved by the government. It makes sure that you're not encouraging people just to come in and test all the time to see if they've got something rather than taking courses.

There is a direct relationship to the cost of actually taking a course. The key to doing this province-wide rather than college by college is that you can then take

your assessment to any college and you don't have to go through it again. If you move to Seneca's region from Niagara, you've got the capacity to carry that with you. I think that will be a major saving for people in the future.

This is the first year that we're actually doing it in a big way, so we don't have any statistics of the demand at this stage. We certainly haven't been marketing it. If we market it and get more people coming into the system, we're not just sure if that wouldn't push us over the edge in terms of our capacity to deliver.

1610

Ms Jenny Carter (Peterborough): Welcome. I certainly think the Council of Regents is working pretty well. I just want to ask you a question about your relationship with universities. I know that there has been a coming together there and it's now much more possible for students to move around and build up something that suits them from the offerings that both groups have. But it seems to me that universities do have a different function. They have a sort of responsibility to the wider world of knowledge that transcends their immediate time and space and they don't have quite the same commitment to being job-related, although I know that there are aspects of universities' work which are much more job-related than others.

Of course, traditionally the universities have been very autonomous, and I'm sure that they're very anxious to maintain that. I just wondered whether you see a closer relationship still or whether you see that autonomy being safeguarded, and how you see the two systems finally meshing.

Mr Johnston: I would love us to be more closely allied. I think there are huge structural problems with doing it because of the autonomy of the universities and I think it's a terribly difficult political issue for anybody to try to take that on from this venue here, but I do think we've got to try to work those things out.

I would also say that with the reorganization of the Ministry of Education and Training into a much broader, all-encompassing kind of body, some of my earlier predilections about having a sort of post-secondary council I now put into question because I think this may be the time when we need particular advice being given to the minister because the ministry itself is now so broad in its interests. The particular interests of the secondary system, elementary system and perhaps child care, as well as colleges and universities, I think probably need particular voices coming into them at this stage.

While we need the collaboration, the thing I would hate to see happen is that the lost jewel not become a phenomenon. I really think the colleges have been the quietest part of our system over the years and yet have had the greatest impact on the economy. I'm absolutely convinced of that now after the three years here at the Council of Regents, and I would hate to see that lost in terms of a voice for them if we just tried to put ourselves totally on the university side because, quite frankly, I think we would be dominated and that would be—

Ms Carter: So you should stay quite distinct.

Mr Johnston: I think distinct but in great partnership is the way I would like to see it.

Mr McGuinty: I'm concerned about what's going to happen when the social contract is behind us. We've had some work stoppages in the past. In 1994 or 1995, or in the context of a recession, when we all recognize that a skilled and educated workforce is an integral component in job creation, we don't replace that time for 500,000 students. If they're out for three weeks, they don't make up the time. But they're paying their fees; I understand as well they don't get a refund on their fees. Do they have a seat at the bargaining table, and who speaks for students, some consumers, important consumers in this issue? I guess your thoughts generally—

It seems to me as well that we've got an average workload now for faculty—is it 15 hours per week? That's class time, to be fair, give or take, I guess. It seems to me the only way we're going to be able to accommodate those increased numbers is to have some flexibility there. Are we setting ourselves up for a protracted work stoppage? Are cornflakes going to hit the fan and is there going to be a major, major problem?

Mr Johnston: I wish it was cornflakes that are going to hit. I have the same fears about what we're going to be facing in the next little while. I think that our history of poor labour relations during the mid-1980s, when we as a council were rightfully taken on for that by Walter Pitman and others in terms of the way I think we'd been operating, has bred a situation where we have too much rigidity in the way we approach things. I think the work we've been doing over this last period of time, of bringing these partners to all the tables we possibly can, whether it's students or unions, whomever, has created much better understanding and collegiality, if I can use that term, than we've had in the past.

But the structural impact of the social contract exit I think is the most challenging thing we've ever had to face and I can't say that I'm not worried about there being some work stoppage as we try to work our way through that. All I can tell you is our tables are there and people are operating as effectively as possible.

Under the law of the land, of course, consumers and clients do not have a role at a bargaining table. It doesn't matter whether it's the consumers of General Electric or the consumers of education. What we do have, though, are a lot of tables where the leaders of OCCSPA, the student council association for the province, and OPSEU, academic and support, actually sit down together. They get to know each other and the interests of each other well.

It is my hope that the kind of tone that's developed over this last number of years at those tables will help us all work our way through this thing without the normal name-calling and alienation that takes place on all sides, because I agree with you that we can't afford the hiatus.

My view is that we have to massively increase the percentage of our population that gets this level of education and find the most creative ways possible to do that. Perhaps in that expansion there can be the job security that the workers want, as well as dealing with the cost-effectiveness issues that we've been trying to deal

with these last few years. It's going to be tough, spot on. We can talk about governance, we can talk about standards, that kind of thing; the big issue for us is going to be how we manage to deal with the ending of the social contract.

Mr McGuinty: I don't raise this issue about students having a place at the bargaining table to be flippant—I know you didn't take it that way—but we're not talking about producing bumpers here or hot dogs or computer chips, we're talking about education.

I think employers may get themselves into a frame of mind where they say, "Well, they're out and we'll leave them out because we can't afford to pay them that," and where the employee group may decide, "We're out and we're staying out."

But I would argue that it is never, never in a student's interest to be out of school. I don't know if there's anybody within the system—it doesn't mean we can't develop something where they can play a role, but at the present time I see that as a deficiency.

I just want to end on this note: the reputation of our colleges. Essentially, it's a good and solid reputation, but still when I talk to parents, they will say, "I'd prefer that they go on to university"—doctor, lawyer, engineer, dentist, whatever. High school counsellors are all university-trained. They seem to be focusing on post-secondary education; they acquaint that with university.

Last week I met with the University of Toronto Faculty Association saying we have too many students with us who should be in a college, in a milieu in which they would thrive. Now we're starting to see a bit of a reversal in the trend: We're seeing university graduates go to college.

Mr Bradley: So they can get a job.

Mr McGuinty: So they can pick up some of the critical skills they feel are essential to obtaining employment. What are we not doing or what could we be doing to remedy that? I guess the long and the short of it is,

I'm not sure we're streaming our students after high school effectively.

Mr Johnston: I think that the schools-college committee will be making a report which I think is a practical approach to that rather than the pie-in-the-sky approach that maybe could be taken, in my view, in terms of the enormity of what we have before us. It is really building on the articulations that are presently out there as good examples of how to do this. I think we should be doing an awful lot more celebration of what the colleges have actually done to the economy and the social fabric of the province of Ontario.

When you add up those numbers I gave you, that's over a million people per year who are involved in a college in some way or another in the province of Ontario, one out of 10 people, one out of six adults. That is really quite staggering in terms of its impact already. My sense is that this really needs a very positive boost.

The difficulty is that if universities decide they want to send us that group of people you talked about, Seneca will tell me that there is no place to put them except on top of the building at this stage because of the numbers that we've been accommodating as it is. We have to find other ways, through distance education, through allowing people to learn at home, in the factories, to be able to manage this, because I think the majority of our population needs this level of education, not the minority that it's been for the last 27 years or so at this stage.

The Chair: Thank you, Mr Johnston. We would like to thank all of you for your appearance before the committee this afternoon: Ms Dubois, Mr Romulus, Mr Hargreaves and Mr Turk. Thank you, as always, Mr Johnston.

Mr Johnston: It's been fun to be back on this side of the table.

The Chair: The committee will stand adjourned now until 10 o'clock tomorrow morning.

The committee adjourned at 1620.

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Jim Turk, chair, governance committee

Diane Dubois, chair, French-language subcommittee / présidente du sous-comité de langue française

Ted Hargreaves, chair, committee on human resources

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Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Substitutions present/ Membres remplaçants présents:

Cunningham, Dianne (London North/-Nord PC) for Mr McLean

Martin, Tony (Sault Ste Marie ND) for Mr Ferguson

McGuinty, Dalton (Ottawa South/-Sud L) for Mr Curling

Runciman, Robert W. (Leeds-Grenville PC) for for Mrs Witmer

Sutherland, Kimble (Oxford ND) for Mr Frankford

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Tuesday 27 September 1994

Journal des débats (Hansard)

Mardi 27 septembre 1994



**Standing committee on
government agencies**

**Comité permanent des
organismes gouvernementaux**

Ontario Council of Regents
for Colleges of Applied Arts
and Technology

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des affaires collégiales

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 27 September 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 27 septembre 1994

*The committee met at 1004 in room 151.*ONTARIO COUNCIL OF REGENTS
FOR COLLEGES OF APPLIED ARTS
AND TECHNOLOGY

The Chair (Mrs Margaret Marland): I call this morning's session of the standing committee on government agencies to order. We are continuing our agency review, that agency being the Ontario Council of Regents for Colleges of Applied Arts and Technology.

COUNCIL OF GOVERNORS
OF THE COLLEGES OF APPLIED ARTS
AND TECHNOLOGY OF ONTARIO

The Chair: Our deputation this morning is led by Bruce Hodgson, the chair of the Council of Governors. Welcome, Mr Hodgson. We have a list of the other people who are with you, but we would appreciate you introducing them so we know who is sitting where.

Mr Bruce Hodgson: We're pleased to be here and pleased to have an opportunity to make this presentation. Before we start, we'll certainly introduce our panel. On my extreme left is Tek Chin, who's chair of the board of governors of Lambton College. Next to him is John MacDonald, chair of the board of governors of Sir Sandford Fleming College. Seated on my left is Helen Kohnert-Friedman, chair of the board of governors of Conestoga College. On my immediate right is Charlene Valiquette, chair of the board of governors of Centennial College. Last but not least is Kenneth Moorehead, chair of the board of governors of Canadore College.

The Chair: Thank you very much. Mr Hodgson, you were advised that you have an hour to make your presentation, and that leaves an hour for the committee members to ask you questions. It still only comes down to 20 minutes per caucus. We use the stopwatch in this committee so we don't have any debates about people running over. We use that more for the members than the deputations, I might add. Please proceed.

Mr Hodgson: I can assure you that we won't be taking an hour. The presentation I timed was 23 minutes.

The Chair: That's excellent. There'll be more time for questions.

Mr Hodgson: Thank you. Ontario's 25 colleges of applied arts and technology, CAATs, provide career education and training to adults in 900 sites located in 240 communities across the province. The mandate of the colleges is to enhance the educational, social and economic wellbeing of individuals and communities across Ontario. Two new French-language colleges will begin serving the education and training needs of Ontario's

francophone population in September 1995.

Research shows that Ontario's college system is highly respected by employers, graduates and the public for its accessible, high-quality programs and services. During their 28-year history, community colleges have indeed served the people of Ontario well and in ever-increasing numbers.

The Association of Colleges of Applied Arts and Technology of Ontario, ACAATO, is a non-profit voluntary association established by college governors and presidents to serve system needs for advocacy, research and planning, and human resource development. ACAATO is comprised of the Council of Governors and the Council of Presidents, together with 70 provincial operating committees representing the colleges' administrative functions. The ACAATO network facilitates the college system's planning and policy development to enhance operations at each college and province-wide.

The Council of Governors comprises chairs of boards of governors from all colleges. The council serves as a strategic planning forum for the college system. I am speaking to you today as chair of the Council of Governors. My colleagues and I have collaborated on this paper which represents our shared views regarding the mandate and performance of the Ontario Council of Regents.

Historically, the Council of Governors has enjoyed a cooperative relationship with the Council of Regents, as we strive to do with all stakeholders in Ontario's college system. Our association pursues close, productive ties with COR to achieve our common goal, that is, to help the Ontario college system best serve the career education and training needs of the individuals and communities in this province.

Some examples of initiatives in which COG and COR are cooperating are the governors' strategic planning committee, ACAATO's task force on economic development, COR's restructuring committee and the COG-COR governors orientation program. Staff at ACAATO and COR secretariats work closely together maintaining strong communication links and sharing research and addressing system issues.

Despite this strong history of mutual respect, the past few years have challenged COR relations with some college boards and with the Council of Governors. Concerns have been raised and repeated. Our constructive examination of these concerns may help the committee to understand the governors' perspective on the Council of Regents' mandate and roles.

Prior to discussing our views, we ask that you appreciate three factors today.

As my colleagues were requested to appear here as chairs of their college's board of governors, they will be speaking solely on behalf of their boards. Board chairs MacDonald, Kohner-Friedman and Chin are in their second elected term as chair. Ms Valiquette and Mr Moorehead are in their third terms. Their knowledge of college governance is therefore considerable and I am confident that you will find their individual points of view extremely valuable in your review.

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Representatives of Ontario's three francophone colleges have expressed disappointment that they were not invited by the standing committee on government agencies to appear with other board chairs on this panel. The Council of Regents has played a significant role in the establishment of the French-language colleges, and their governance representatives wish their views to be heard. A copy of the comments we have been asked to forward to you is attached.

The timing of these hearings prohibits full college board and Council of Governors discussion of the complete mandate of the Ontario Council of Regents. As you may know, external governors serve their colleges entirely on a volunteer basis. Boards do not usually meet during the summer months. Furthermore, there is a wide range of opinions regarding COR among governors across the province. Full consultation would be required on all aspects of the regents' role prior to a comprehensive report being presented. We will confine our comments to those areas in which there has been adequate discussion.

This paper will first provide a brief background on the Council of Regents and then examine each of COR's three responsibilities from the Council of Governors' perspective.

To appreciate the governors' views on the Council of Regents, it is helpful to provide a brief historical context for the relationship between COR and the colleges. Established when colleges were created, the Council of Regents played a major role in building the college system. From the early years until the mid-1980s, COR served as an operational body of the Ministry of Colleges and Universities, approving programs, determining capital expansion and supervising collective bargaining. The council's role was intertwined with the ministry's and consequently critical to college operations.

Following the 1986 Pitman report recommending to the minister some revision of college system governance, the government amended regulations to the Ministry of Colleges and Universities Act to define the Council of Regents' current advisory and executive roles as follows:

- (1) Advises the minister on long-range policy and planning issues of a system-wide nature;
- (2) Appoints members to college boards;
- (3) Administers collective bargaining on behalf of the boards.

The shift in COR's role and the mix of advisory and executive roles have caused confusion both inside and outside the college community. There appear to be three

corporate head offices for Ontario's colleges: the Ministry of Education and Training, the Ontario Council of Regents, and the Association of Colleges of Applied Arts and Technology of Ontario, or MET, COR and ACAATO.

The clarity of roles urged by Walter Pitman has not developed. To compound the confusion, the Ministry of Colleges and Universities' integration with the Ministry of Education and others in 1993 has resulted in a loss of profile for college issues in the government bureaucracy. The college community and the public are uncertain which office performs which function.

In its September 1993 strategic planning document *Accepting the Challenge*, the Council of Governors also recommended that the relative roles of the ministry, Council of Regents and ACAATO should be reviewed. A copy of this report is available to the committee.

Each of the Council of Regents' responsibilities will now be considered in more detail from the governors' perspective.

COR's policy advisory responsibility: The Council of Regents advises the Minister of Education and Training on long-range policy and planning issues of a system-wide nature. COR's policy advisory role is perceived to be a major contributing factor to long-range planning in the Ontario college system.

An example of this valuable contribution would be the Vision 2000 process, undertaken by the regents between 1988 and 1990 to review the mandate of Ontario's colleges of applied arts and technology. The consultative process around Vision 2000 involved all stakeholders and proved to be a worthwhile exercise for an education and training system entering its third decade.

The Vision 2000 report confirmed the colleges' mandate to serve the career education and training needs of Ontario and made 40 recommendations to enhance the colleges' capacity to meet these needs. The minister approved three of these recommendations: to establish the College Standards and Accreditation Council, CSAC; a prior learning assessment system, PLA; and a task force to examine advanced training.

At this point, the Council of Regents' role was expanded by the then Ministry of Colleges and Universities to include operational responsibilities for CSAC and PLA. COR was allocated the resources for implementing these operations. It has now become apparent that COR's expanded role into academic operations of the colleges has added to the confusion regarding the leadership of Ontario's college system in general and the role of the regents in particular. The tension between centralization and decentralization has increased. While the college system generally accepts the Council of Regents' role in advising the minister on policy, boards of governors have questioned the council's role in the colleges' academic operations.

College boards support the principles of college standards and prior learning assessment. However, several questions arise regarding the Council of Regents' role in operationalizing these two concepts.

Firstly, regarding CSAC, COR's new role in determin-

ing college curriculum requirements from the centre has been perceived to reduce the role and responsibility of colleges and their program advisory committees. By mandate established with the colleges 28 years ago, each college program requires that a community-based committee be established to advise the colleges on the skills and knowledge graduates require for career success. The Ministry of Education and Training approves program proposals based on program advisory committees' advice.

Program advisory committees, or PACs, provide vital links with each college's community and integrity to each program. Through these committees, over 10,000 representatives of employers in business, labour, government, social action and community organizations currently provide curriculum input to college boards, faculty and administration. These active groups ensure that college curricula remain relevant to the changing requirements of Ontario's workplaces. College boards support the existing program advisory system rather than further centralization of curriculum.

Regarding prior learning assessment, this system of recognizing college applicants' previous learning is midway through its three-year establishment phase. Boards have questioned, firstly, whether the implementation of PLA could not have been managed through the existing structures and resources at the ministry or ACAATO, and, secondly, whether PLA should continue as a COR responsibility following its implementation.

The issue of accountability has been a common concern among governors who perceive that COR has exceeded its advisory role with CSAC and PLA. Boards of governors are accountable through the Minister of Education and Training to the local community to ensure the implementation of academic policy. However, boards have been distanced from policy generation and evaluation with regard to CSAC and PLA. In effect, local boards are held accountable for academic policy made elsewhere and COR is not perceived to be accountable to the colleges for the policy it dictates. What performance indicators have been established to evaluate COR's policy and operations roles?

One final issue regarding the Council of Regents' policy role: While college boards and COR have different policy leadership roles, they share a common prerequisite: membership diversity. Both boards of governors and the Council of Regents require among their members a comprehensive range of skills, knowledge and backgrounds that enable members collectively to develop sound educational-administration policy.

Boards of governors have proven their collective capacity in policy leadership. In recent years, however, questions have been raised regarding the Council of Regents' membership:

(1) Is there the collective background knowledge about the college system at COR to recommend educational-administration policy?

(2) Is there the will among all COR members to act collectively respecting the broad policy leadership interests of the council above those of constituencies?

We acknowledge that over the past six months, council

has attempted to address this first concern by adding new members with demonstrated policy leadership backgrounds. However, concern regarding the question of COR's will to pursue common goals remains.

The Council of Governors offers its assistance in the review of COR's policy and operational roles and in the identification of regent candidates with wide community-based background and board experience to serve the broader public interest.

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COR's appointment of governors responsibility:

The second mandate of the Council of Regents is executive in nature: the appointment of members to college boards of governors.

The Council of Governors' views on COR's role in the appointment of governors are well documented, as this topic has been widely discussed this year.

In January 1994 the Council of Regents issued a governance review discussion paper making recommendations on several governance issues including the number and constituency of governor appointments, elections, observer status, voting privileges, eligibility for chair's office, president's terms and conditions of employment, college councils, governor terms, quorum, conflict of interest, closed sessions, governors' training and per diems.

The Council of Governors established a full governor consultation process prior to submitting its system response in May. I am pleased to share the highlights of the governors' response with you. A copy of the complete document is available to your committee.

To begin, three common themes were identified throughout the college discussion process. These themes provide an accurate synthesis of governors' current views regarding the Council of Regents' governance review.

First, governors in Ontario's colleges disagree with the regents' view that there is a need for further regulation of board appointments to achieve board diversity and representativeness.

Second, governors are opposed to the movement towards further centralization of COR powers, as recommended in the review.

Third, governors view negatively the inherent criticism of current college governance contained in the regents' recommendations.

Regarding the regents' recommendation that external governors be appointed from constituencies, boards already have in place a system to identify a diverse board membership. The Council of Governors clearly prefers to maintain the current community-based model of board governance which has resulted in diverse board membership fully representative of community education and training interests. We agree with governance experts Professor Abe Konrad and Dr John Carver, who strongly support effective community-based governance models.

The majority of boards therefore supports the current board appointment process and is opposed to any expansion of the Council of Regents' role in board appointments. Several boards, however, have requested that the

Council of Regents try to improve the current appointment process, which has been made difficult in some situations by poor communications. The Council of Governors has attempted to facilitate better communications around this process.

The Council of Governors met with the chair of the Council of Regents this spring to discuss the concerns of several boards regarding the appointment process. Suggestions for improving the process, particularly the quality of liaison communications, were exchanged. Subsequently, the Council of Governors conducted a brief survey of board chairs to determine their level of satisfaction with this past May and June appointment process. Responses indicate that board chairs were generally more satisfied with the appointment process this year than in earlier years, although concerns remain. A copy of the survey results is available to the committee.

The Council of Governors also recommends that the chair of COR's governance committee, which makes board appointments, should have a thorough knowledge of and sensitivity to the role and responsibilities of college governance and local communities.

We wish to make one final point on this compelling issue. The Council of Regents' responsibility for board appointments personally and directly affects each governor and therefore each board. College governors are community leaders who take their commitment to education and training very seriously.

When problems over rejected appointments arise between a board and COR, the governors' view of regents' entire relationship with the board can be negatively affected. Subsequently, several boards' difficulty with the appointment process can create a larger negative system relationship with the Council of Regents. As has been the case during 1994, the situation has escalated to other sectors of the college system, with unfortunate effects.

The current environment created by difficulties in some colleges' relations with COR, together with ongoing concerns regarding COR's role and with the impact of governance review, is not an environment of trust. Conflicts have arisen and relations have been damaged.

No one benefits from this environment. The public is confused, the college community is uncertain over credibility of leadership roles, and energy and resources which should be collectively directed towards meeting the challenges of providing accessible, high-quality education and training to increasing numbers of Ontarians are spent on relationship repair.

The Council of Governors remains committed, however, to respecting the mandated role of the Council of Regents and to building more productive relationships.

COR's collective bargaining responsibility:

The third function of the Council of Regents is executive responsibility for college bargaining on behalf of the boards of governors with the Ontario Public Service Employees Union, OPSEU.

The relations surrounding collective bargaining in Ontario's colleges of applied arts and technology are difficult. Since 1979, three labour disruptions have closed

the colleges. All parties are committed to the urgent need to improve relations as the basis for negotiation of collective agreements.

Regarding the Council of Regents' role in collective bargaining, governor opinion remains divided. In post-strike 1986, Walter Pitman called for local bargaining to reduce the climate of discontent. In 1992, again in a post-strike situation, the Council of Governors recommended that Jeffrey Gandz's 1988 Report on the Colleges Collective Bargaining Commission be revisited. Dr Gandz described the structure of Ontario's colleges as demonstrating "considerable centralized planning and control but with decentralized operating autonomy," page 158, and recommended the establishment of an employers' association. Governors have expressed doubts about such an association but have stated that perhaps it is time to develop new collective bargaining approaches.

The Council of Governors is unable to provide the committee with a consensus view on the matter of COR's role in collective bargaining. To do so would require extensive consultation across the college system. Clearly, given time constraints, this was not possible. The issues of centralization and decentralization are too complex and the stakes are too high to comment quickly. Furthermore, the current environment surrounding COR relationships might have a dysfunctional effect on any system discussion, regardless of the positive intentions of all stakeholders.

In conclusion, we would like to restate our commitment to working with all stakeholders in the college system to achieve our common goals. The Council of Regents has been an important partner in the development of Ontario's colleges. We hope that the outcome of the steering committee's review is an even stronger community college system for Ontario.

1030

The Chair: Thank you, Mr Hodgson. We have an hour and a half left, so I'm going to suggest that we do 15-minute segments. Is that acceptable?

Mr James J. Bradley (St Catharines): That makes sense.

The Chair: We will start with the government today. We started with the third party yesterday.

Ms Jenny Carter (Peterborough): Thank you very much, Madam Chairman, and I'd like to welcome the group here today.

I really have two points to raise. One is that you were talking about how much autonomy the colleges have in developing their own curriculum and generally managing their own affairs as opposed to what you might call interference from the Council of Regents.

It seems to me we're getting into a very complex picture these days. We've got the prior learning assessment, we've got large numbers of people coming in who are not straight out of high school, we're covering a very wide range of subjects in our courses and so on.

I'm just wondering how we ensure the transferability and the equivalence of courses in the different colleges, how we reconcile that need, the need for people to be able to move around and to know what the value of their

particular qualifications is, with the question of allowing each college to be more independent in this field.

My other question is the issue of the composition of the board of governors. I don't know whether there has ever been any study done of what the composition of boards of governors has been, of whether all the different groups that we're specifying these days have been represented, of whether boards have largely consisted of people who, quite understandably, have the time and the background that puts them in a position to come forward and to be accepted, which might leave out certain categories of people, maybe some of those who are not quite so well-off in the socioeconomic strata or have found it more difficult to come forward for other reasons; and whether you don't feel there was some need for a little intervention there to make sure that all parts of the community are represented on those boards.

Mr Hodgson: I tried to foist off the answer to your first question to my associate here, but she refused to take it, and I'm not sure I feel qualified to give a good answer on it.

I do know that the programs the colleges have result from a very involved collaboration with the advisory committees, who in fact are the very persons that the graduates from the colleges will be working for; therefore, theoretically, that should provide the guidance to the program structure that is needed for the students to study. Added to that, of course, is the fact that after the colleges have determined a program that they feel the advisory committee has asked them to provide, that same request then goes to the Ministry of Education which, in turn, presumably does its own research and therefore not only addresses its feeling about the need for it but also, at least I presume, it would be searching to make sure the other colleges had followed similar program lines.

Ms Charlene Valiquette: Actually, Bruce, just to add to that—I don't know whether I'll clarify, but I will add to it. I think it's important to recognize the role ACAATO plays in helping the colleges coordinate their activities. Over the years, certainly in the years I've been chair—before that I can't honestly say I was that involved with ACAATO—there's a very key role now being played in bringing all the colleges together in finding common solutions and common approaches to things, and I think the administration of each of the colleges works extremely well together towards that end.

My sense is that they welcome input and guidance on those issues. I don't think there's any question of a difference of opinion as to what needs to be done, but I think there is a sense that certainly those people have the expertise. ACAATO provides a mechanism to at least move us along that road, and then the Council of Regents can provide the sort of oversight guidance that can enhance that process even further, whatever the curriculum issue is.

Ms Helen Kohner-Friedman: If I could just add a comment to that, prior learning assessment, or PLA, is not something new, nor something that was just suddenly determined by the Council of Regents that had to be there. We are living in a society where, as you suggest, there are increasing numbers of people with a diversity of

skills and a diversity of backgrounds who are returning to the college system. It is in the interests of the individual colleges to accommodate these people and to fit them in, whereas before there might not have been any need to do this because there wasn't the demand.

What we're seeing, certainly in our community, are factories closing and workers having to come back into the system to retrain and acquire skills. Our college has recognized this from an early stage and, prior to the earlier initiatives of the Council of Regents, did have a program for that in place. I think you will find that the individual colleges where there is a need for this will work to accommodate these people, because it's in our interests to do so and it's in the interests of the communities to have people trained and back in the workforce at the earliest possible opportunity.

Ms Carter: I certainly agree that it's a good idea. I'm just wondering how the equivalencies are going to be worked out. It's obviously gotten much more complex than it used to be where a course was a course and it didn't vary with the person who took it. Obviously, if you're granted a course because you already have that knowledge from your background, it's not going to be exactly the same as what would have happened had that person taken the course. I'm just wondering how that's going to work out.

Ms Kohner-Friedman: Certainly at our college there are several different systems or entry points that can be determined for somebody coming in who seeks to take advantage of the PLA. While I don't have all the details at hand, I believe one of the processes is that you can take a challenge exam, which will set you at a certain level and determine whether you have the prerequisite knowledge to go ahead. Another system is a portfolio assessment where you work with a counsellor to put together a portfolio of what you've managed to accomplish in various areas, and that portfolio is assessed and credit is granted on the basis of the portfolio.

I believe there are several other methods. However, those are two I'm familiar with. Those are systems and they are in place and they are working.

Ms Valiquette: Ms Carter, I think your concerns are very valid ones. The system itself is realizing that we can't all be all things to all people because there just is not the resource to allow that to happen. I think what needs to be recognized is that regardless of the individual college agenda, collectively the system is realizing that reality and is working towards that end. I think that comes again to the recognition that there's a very valuable input role that someone at the Council of Regents level can provide, but does that necessarily translate to the very active involvement in curriculum level? I guess that's the question we're debating here.

The Chair: Ms Carter, you've used eight of the 15 minutes, and there are three other of your colleagues wishing—

Ms Carter: I did raise one other point.

The Chair: That's fine, and you also can come back on the next 15 minutes. Continue if you wish; I'm just advising you.

Ms Carter: I just wonder if there's any answer—

Mr Hodgson: On the matter of governance?

Ms Carter: Yes.

Mr Hodgson: I don't think the colleges ever objected to a little pushing to be more diversified in the makeup of its board of governors. Certainly—I don't know how many years ago it would be—it's taken some time to get gender equity on the college board of governors. That's a given and nobody pays much attention to it; it's just there.

Similarly, the governors and the colleges obviously recognize the diversity in the community and the need for some of the people representing these various community-based people, and they're coming on to our boards. Every board, I think, is achieving more and more representativeness than we've had in the past. I think we're on the right track there, but I think what we're saying in our presentation is that we don't need more directives issued to us. We're doing what we're supposed to be doing.

Mr Tony Martin (Sault Ste Marie): I wanted to first of all, as Ms Carter did, congratulate you on doing an excellent job in some very challenging and difficult times. Certainly, we as a government are recognizing that we are into different times than we've ever been into before. The story of the community college system I think evolved out of some different times too.

I think the previous Conservative government saw that there was a need to put in place such an instrument as community colleges in the province to meet some of the needs it was recognizing at that time. And certainly we're aware of the changing demands of society and the changing economy we live in and the need for us to be responding in a more proactive, energetic, creative way to those challenges. You can hopefully understand and accept that that isn't a thing that's easily done, that it brings with it a tremendous need to respond and the consequent difficulties that arise as you try to make change, and with that some confusion, I guess.

1040

Today, I'd just like to say a couple of things and then perhaps ask you to respond. It's clear to us, from the discussion we had yesterday with Richard Johnston and the Council of Regents, that the pecking order is the ministry and then COR and then down to the community colleges. That, I don't think, has ever been challenged by anybody and continues to be the way things operate and will be the way things will happen, so there really isn't, in my mind, three head offices for community colleges; it continues to be the way it was established. Hopefully, as the situation we find ourselves in economically settles a bit, it will become more clear again where the lines are and how we can move so we can minimize the confusion and the communication problems that go on.

I just wanted to use, as an example of how that happens—because in your presentation today I get a little confused in just where we are in all of this. Certainly Mr Johnston and the Council of Regents yesterday left no confusion in our mind as to the process. The question of governance is one that has become fairly high-profile, and there's a lot of misunderstanding out there about

what exactly is happening at this point in time.

The ministry asked the Council of Regents to look into that whole question, and the council did that by putting in place a discussion process, a paper with some opinions it had that it took around the province and got some input on. It was in my community, and the board of governors at Sault College responded in a very energized and I think intelligent, challenging way. The Council of Regents then brought that back, looked at it and is in the process of sending forward to the ministry its response.

They did this consultation and they're going to share with the minister what they found, and then ultimately it's up to the minister to decide what to put in place. So we're all involved in that, and hopefully in the end something will come down that will reflect that there was this very real discussion, that the Council of Regents listened and that ultimately the ministry listened as we move forward with this.

I note by your comment on page 7 that responses to your survey indicate that board chairs are generally more satisfied. I also note from the statistics we got yesterday that there has been significant movement forward in the area, as you mentioned, of gender parity and that kind of thing. That didn't come without, I'm sure, some level of pull and push and tug and difficulty.

All of this causes that, and I think if we're going to get to a place where the college system continues to be helpful to this province as it moves into the next century and participates in a global economy, there will be confusion to some degree, there will be a pull and a tug, and hopefully a very courageous and energized discussion about all of that, but in the end the lines remain the same.

I just lay those comments out and ask if you have some comment at this point.

Mr John MacDonald: I'd just like to reflect a bit on your description of rules of responsibility. As a community volunteer member of our board, it's been my understanding that boards of governors are responsible to the Minister of Education, not to the Council of Regents. I think that line of responsibility has to be better understood.

We certainly have a wonderful relationship overall with the Council of Regents' executive responsibilities from the minister. But my understanding, and I sure stand to be corrected, is that we're responsible to the Minister of Education for the functioning of the college. Now, that doesn't usurp what you've said about working together; however, I just thought we might clarify that.

Mr Martin: And I find that helpful in terms of my coming to understand your understanding of it. I hope, as this discussion unfolds and as the system works together to try and improve those systems, we will come to greater understanding. Certainly there are mandated roles for COR by the ministry that gives it authority over the system in certain areas, and you pointed them out here, so it's not as clear-cut.

Mr Dalton McGuinty (Ottawa South): Let me extend a welcome as well to our governors, people who I think have long gone unrecognized for the valuable role they've played in our college system. It is important for

committee members to recognize that we have before us volunteers who derive nothing more than a sense of satisfaction from knowing that they can continue to play an important role in post-secondary education in the province.

I appreciated all the comments you made in your written presentation. They are very well received. I don't think anybody here is bent on bringing some kind of recriminatory approach to the Council of Regents. Rather, we're looking for positive and constructive comments, and I think your comments fit that mode perfectly.

It is my opinion that the reason our community colleges have served us so well in the past is because they have been community-based. They have been able to assess and determine what their needs were and to organize the resources at their command in order to meet community needs. I appreciated your comments especially about what seems to be an inexorable movement towards centralization, particularly of policy, at the COR level.

I want to talk first, though, about the governance issue. My view of government is that it should be laying down guideposts and perhaps the occasional beacon. Your job is to make your approaches towards that. Now, sometimes you get the impression that our community college boards of governors are social-equity, intellectual Neanderthals and that the boards consist entirely of white males over the age of 57. I don't buy that. My understanding of human nature and of our boards is that they want to do the right thing. They understand that it is vital that our boards have representation from all segments of their community in order to properly meet community needs.

I think they recognize as well, and it's my view too, that membership from within groups in the community is an important consideration, but it's not the only consideration, obviously. Competency is critical. Boards perform an important function—I don't think anybody would question that—all the more reason for us to have competent people sitting on the boards. Can you tell me a bit about the composition of your boards at the present time and any response you might have to my comments?

Ms Valiquette: I can start. Coming from Centennial, which of course is based in Scarborough, we've probably got one of the more ethnically mixed catchment areas in the province and, as a result, our board reflects that ethnic mix. I think we have representation from just about all the cultures that attend the school. We've been successful in finding an aboriginal representative for the board this year. We've been attempting to find a handicapped representative for the board this year. We were not able to for this particular round of appointments, but that's our number one priority for the next round of appointments.

We were also at the same time, though, trying to balance the representation of the catchment area with the requirement that people, as you say, have the skills to understand that this is a big business we're running with limited resources. So we're trying to balance the perspective, those who can help the management perspective of how to use those resources wisely with the perspective of

those who can help us understand what the educational requirements are of the people attending the colleges and the employers hiring our graduates.

I give credit to the Council of Regents' effort for delineating some of the principles, because certainly those are principles shared by Centennial, I believe by the college as whole. They do deserve credit for the principles; I don't think there's any disagreement on that. I think the colleges deserve a lot of credit, for the most part, for their efforts to succeed in those principles, and where there are exceptions I think they should be dealt with individually. But certainly we're quite proud of our record at Centennial on that count.

1050

Mr Tek Chin: As far as diversity of the board membership is concerned, from a Sarnia perspective—Lambton College is situated at Sarnia—we have quite a few board members from industry, so I really don't have too much of a problem with the principle of the diversity we need. No, I don't really have too much problem with that.

Ms Kohner-Friedman: If I could just add my comments, I must say I agree with Mr McGuinty's comments wholeheartedly. I think you'll find if you go across Ontario that the boards of the community colleges are reflective of their communities. Boards realize that is important and boards have been doing this for many years.

I'd like to just back up a second and deal with Mr McGuinty's comments that while membership in a particular constituent group is important, it isn't the sole overriding factor that should be looked at when determining what type of skills you need on your board. As Ms Valiquette has commented, we're running colleges which have huge budgets—which are getting smaller by the day, but huge budgets—and a variety of issues to deal with. What we as college governors need are certain skill sets that can be brought to the board that can help us with the issues we have to deal with.

As you say, I don't think membership in a particular constituent group should automatically qualify you for a seat on the board of governors. It's a difficult job to act as a governor, and the level of skill you bring and the background you bring is probably the most important thing you would want to look at in determining whether a person is a governor.

Mr McGuinty: You made a significant comment here as well about the move towards centralization. In fact there's something you said that I've noted, and I want to read it just to emphasize its importance: "However, boards have been distanced from policy generation and evaluation with regard to CSAC and prior learning assessment. In effect, local boards are held accountable for academic policy made elsewhere and COR is not perceived to be accountable to the colleges for the policy it dictates."

I know that has led to considerable frustration among our boards. It is critical that we have a good relationship between our boards and the council, and that there be clear divisions of accountability. That's in the broader

public interest, not only in your interest. This is a big question and time doesn't really permit you to address it fully, but what would your recommendations be with respect to CSAC and prior learning assessment? How could we, assuming that now is the right time to do it, implement those initiatives and ensure that everybody knew who was accountable for what?

Mr Hodgson: I have to admit that I haven't given it a lot of thought, but I would be inclined to think that CSAC and PLA should become the responsibility of ACAATO, which is the umbrella group representing all the colleges, consisting of the governors and the Council of Presidents of the same group.

Mr Bradley: May I interject with a point of order? For the purpose of those who are watching this at home, and for the purpose of some who are not familiar with the college system, could we not use the acronyms? It loses a lot of people. We politicians always get caught using all these acronyms and then people wonder what we're talking about later on. So just for the benefit of the unwashed like me—

Mr Hodgson: I was speaking about the PLA or prior learning assessment, and CSAC, which is the College Standards and Accreditation Council. Those are two very important ones, of course mentioned in our report, that we feel should be a part of the Association of Colleges of Applied Arts and Technology of Ontario. That may well be my personal opinion as opposed to a consensus of all the people involved in it, but that's where I would be inclined to put those two.

Mr McGuinty: Tell me something about the appointment of governors. Technically, I gather the ultimate decision-making power rests with the Council of Regents, but historically, de facto, the Council of Regents has accepted selections made. I gather the procedure has been to send two names or three names, whatever, and the Council of Regents has placed its faith in the board of governors, acting within a community, to use its good judgement in coming up with those names, deciding on whether or not those people would be suited to meeting the needs of their community and of the board in particular. I gather that has changed in recent years. How do we address this? Do you think COR should always be respecting a college board's choices? If not, when should they be saying, "These are the wrong people, from our perspective, and we're going to pick others"?

Ms Kohner-Friedman: If I could speak to that, I think what you have here is a bit of a jurisdictional issue. I think you're correct in the history you set out. What I would see as the important factor is, who is in the local communities, who is down in the trenches, so to speak? Does it not seem logical that the people who are in the communities, who are familiar with the communities, who are familiar with the employers and the training needs of the students in those communities, would have a better handle on the qualities necessary for a governor of the college? That would be my comment.

In terms of whether the college is always right, I don't know that you can say the college is always right, but I think there's a lot more credibility from the appointments that come up through the college system. We've men-

tioned in our report the program advisory committees, which are comprised of thousands of individuals across Ontario representing broad and diverse sectors. These people play an important part in the selection of governors as well. I would think it's the people who are in the communities and have knowledge of the communities who would have a better handle on what the needs are rather than people sitting in Toronto, so to speak.

Ms Valiquette: My perspective on this is that there is a process that has been established over the last few years that works well as long as there's trust between the parties. What's missing these days, from what I can see, is the trust. To the extent that there are differences of opinion with one or two colleges' choices, I think the system would prefer that those instances be dealt with through two-way communication between the Council of Regents and the particular college, with ACAATO playing a role. As a system we want to make sure we've got the right representation, but I think the process can work well if the parties are allowed to be trusted to do what everyone wants to do for the benefit of the system.

I'm not totally convinced it's the process that's wrong; I think the trust has disappeared, to some extent. And the solutions are perhaps not being problem-specific; they're trying to find a generic solution to more particular concerns. I would think there's more of a solution lying in communication and in liaison than there is in more centralization or imposed control.

1100

Mrs Dianne Cunningham (London North): Welcome to the committee. I'd just like to say as a former board member at Fanshawe, a hundred years ago it seems now, you should be very careful; this could happen to you. I got upset about things in life and got involved with our school board and now here.

But I really want to thank you all for the commitment you have to young people, to your community, and congratulate you on your perseverance and this very strong paper you wrote, which I had the privilege of reading last evening. Mr Hodgson, you're very calm in your presentation, but I read in this that the group is particularly disappointed, and I thought the word "trust" was appropriate.

Given that I'm the critic for the Progressive Conservative Party, it's been my privilege to visit most of the colleges. I did ask that this review take place before the committee, basically so we could find solutions and get some of the concerns in the open. I just hope that can happen as a result.

I have a couple of questions with regard to the Council of Regents governance review and your response to it. I think the two main points you made were that the governors are opposed to any movement towards further centralization of COR, and that you also disagreed with the regents' view that there is a need for further regulation of board appointments. Am I correct in those statements?

Mr Hodgson: Yes.

Mrs Cunningham: I'm assuming there's been a lot of time since you did that. In your opinion, because I

haven't kept up on this, was the Council of Regents interested in your response and have you had any feedback from the Council of Regents with regard to your response?

Mr Hodgson: As you know, we submitted a response from the Council of Governors, and we really have had no feedback because the Council of Regents is preparing its report to the minister and we will not be privy to that report until after the minister has received it.

On the other hand, my personal observation is that the appointments that have gone forward and been approved by the Council of Regents this year would lead me to believe it does understand our feeling on some of these matters and is taking that into consideration. Certainly, as we mentioned in our report, when we did a survey of our presidents regarding the appointments for May-June of this year, in most cases the governors were reasonably satisfied with those appointments.

Mrs Cunningham: In your position as chair of the Council of Governors, would you pick up the phone and talk to the chair of the Council of Regents?

Mr Hodgson: Absolutely. I lunch with him and discuss matters with him, not frequently, but regularly, yes.

Mrs Cunningham: This isn't a court case or anything.

I'm on the phone all the time, and I don't care who's at the other end: It's amazing how people do want to talk to you; people are looking for solutions all the time. Isn't it wonderful, in this world, that people are like this? I mean, we hear all the bad stuff. That's why I was surprised when you said you haven't had any response. You're probably talking about anything in writing or whatever.

Mr Hodgson: The governors' response was pretty strong in the matter of the appointment of governors, and I would like to think that the Council of Regents has taken that into consideration, but I have no reason to think it has; I assume it has. I think that was a very, very strong presentation we made on that point.

Mrs Cunningham: I guess we'll find out. If I were them, I would have checked what I was going to say to the minister with you first, but I'm not them. That's the way I operate; other people operate differently. It would be nice to know that you had some support for what you were about to say from the people who represent, in many ways, the communities across this province in this democracy we all work in.

With regard to the relationship, because I think there has been obviously not a great relationship with the Council of Regents and the boards, what kinds of things has the Council of Regents done to improve that relationship? Because they were here yesterday and I don't think we pursued this line of questioning to any real extent, but it did come up.

Mr Martin: There was an example given of the Conestoga question and they sent somebody down there directly to work out a resolution that was—

Mrs Cunningham: Okay, well I'll ask about that one then, Tony, and see what we get from the Council of

Governors. But we didn't ask them—and there was no reason for me not doing it; these are just questions that have arisen from the discussion today, with regard to any steps that they may have taken to improve the relations. Have they had a meeting with you to discuss this lack of a good relationship or the concerns that you might have had?

Mr Hodgson: I would think that's an ongoing thing, but the Council of Regents—I assumed this job as chair of ACAATO in April and I've only attended four or five meetings of the Council of Regents, but I've been very impressed with the volume of work that's going on and the work it's doing on behalf of the colleges. It surprised me that it was that much.

In addition to that, the problems that we've had or subjects that come up, like the college of applied arts and technology pension plan that happens to be an active process at the moment, they very quickly, the minute they determined there was some concern from the governors that they hadn't anticipated, put together a team that's been going out to every college in the system explaining what's going on and there to ask questions. On Friday, we're hosting a joint meeting and inviting specialists in pensions to come and answer the questions and concerns of the governors.

So I think the Council of Regents is doing a great deal more to improve relations with the governors and I feel much better about it than I did two or three years ago, when I first got involved with the college system.

Mrs Cunningham: Okay, but on page 1 it's very clear, where you state about, "Despite this strong history of mutual respect," it's been more challenging—I'm looking at the very last paragraph. I think you're underlining that there are concerns about the Council of Regents' mandate and roles and it goes back to the recommendations of Pitman and others over the years. First of all, if I were the minister, it would be one of the first things I'd have to correct, because there are just too many grey areas and people have to clearly understand what their own job is.

As a former school board trustee, I had to clearly think about when I was getting into the administration of the day-to-day stuff, programs and what not of schools, and I think it's one of the responsibilities as well of not only your boards of governors but of the Council of Regents, getting into the work of the colleges themselves.

So clearly, maybe that's what we should be working on, the mandate and roles, but if anybody wants to speak to that, I'd be interested in hearing from anybody.

Mr MacDonald: If I might comment, I think you've captured one of the general issues that we are dealing with as governors. I think it has to do with seeing ourselves as policymakers, even at the board level, where operational issues come to the table and we have to resist the temptation sometimes of getting too far into the kitchen. I believe that the same opinion or the same vision of the Council of Regents' relationship with the boards might be consistent here, that, as has been referred to, there are many policy recommendations that the Council of Regents has made that we agree with, so let the operations at the college level look after that.

I do think that your issue about communicating with the colleges in the past little while has been a communication problem—and Bruce has made reference to the fact that liaison, I think, in the past was not seen as such a high priority to the members of the Council of Regents as it has done in the most recent past. In our college's experience, at Sir Sandford, we've found that the liaison team's interest and integrity of the issues that have been brought to the table have been met with a higher degree of responsiveness. I believe the key in the change has been the liaison team work that Richard has responded to our concerns with.

1110

Ms Kohner-Friedman: Could I just add, in terms of communications, I think you've hit on several issues, and I'd like to speak to those.

On the governance review issue, when the Council of Regents came out with its governance paper, I think part of the reason for the strong response from the Council of Governors was that that paper they came out with did not attempt to incorporate or reflect any of the ideas that had previously been submitted to the Council of Regents by the Council of Governors. We had a paper commissioned by a governance expert on the issue of governance, and that was in no way reflected in their report. So I think part of the governors' strong response comes from that.

In addition, we would like an opportunity to see the Council of Regents' final report to the minister before it goes to the minister. I think we're stakeholders in the system and we are entitled to know what that report would be.

In terms of several other communications issues, I believe Mr Martin—I don't know what you heard yesterday, but Mr Martin raised the issue of, at Conestoga a new liaison team was appointed. Just for the record, I'd like to state that it wasn't at the behest of the Council of Regents that a new liaison team was appointed. We had to send several strongly worded letters to the council saying that we didn't feel we were being fairly dealt with by the existing liaison team and we insisted in fact on having a new liaison team for our college, because communications had broken down to such an extent. So it was at the behest of the college that the new liaison team was appointed, and I don't know if that jibes with what you heard yesterday.

Another issue in terms of this colleges of applied arts and technology pension issue, which is being discussed at board level now, it wasn't until June that governors heard about this for the first time, and now we find that we have to make a decision and vote on it in a short matter of months. The communication on that issue has not been good either. The meeting that Mr Hodgson's referring to in Toronto was called on approximately two weeks' notice to all governors in the system, and I don't feel that's enough time to provide appropriate discussion of the issue. If you're going to call people from all across the province to sit in Toronto, to have a meeting on an important issue, you would want to certainly give enough lead time. Governors are volunteers and they're busy people.

Mrs Cunningham: I appreciate what you're saying

because I think one of the disadvantages that we have, certainly as a committee, often is that people do need a lot of lead time, and because we often ourselves don't do that, we don't get people coming from across the province, and we don't always get the people that we really need. We make a better effort at it, and at least we're aware of it, but I think when you're getting people giving willingly of their time and you want the best, communication and timing is very important.

So we both agree at least on the report that's going to the minister, that you should have a look. I'm just saying I think if they were smart—and I use that word widely—that they'd be asking your opinion. And if anybody's looking at these Hansards, I really mean it. If you really want acceptance, you better ask the people who are representing their communities and that are there for the students, which gets me into the next issue. Do I have time?

The Chair: You have one minute left.

Mrs Cunningham: I could pose the question and they could be thinking about it.

The Chair: Plus you still have another round of 15 minutes.

Mrs Cunningham: I'm still going to make good use of one minute.

On the prior learning assessment, I enjoyed the fact, Ms Kohner-Friedman, that you said this is not new. I quite frankly get fed up with all of this. This is day-to-day work in the colleges, and so, when I've been looking at the budget, I've been quite critical of the Council of Regents' budget. I also have to say, maybe it isn't their fault. Nobody can decide what their mandate is, which is sort of basic, and you have to wonder why it hasn't been dealt with. Sometimes we never deal with the important things in life, and I think this is one of the real examples.

But the PLA initiative goes on. It started—I'm trying to find the numbers here—the 1991-92, and I'm respectful of people who are doing the work. I enjoyed the presentation yesterday. But I represent taxpayers, and to the taxpayers, a base budget of \$671,000 for the Council of Regents in 1991-92 with additional programs at \$1.5 million, then we go on, and we're up to \$2.7 million. This is an administrative body. The public couldn't give a hoot about it. Students don't give a hoot. As far as they're concerned, and when we get in government and I care about what programs students get, this is going to be something that's going to have to be carefully justified.

But prior learning assessment goes from \$139,700 up to \$446,600 projected for 1994-95 and if you're telling me in this presentation today that maybe it could be handled within the system, then I'd like to hear what you really mean by that. Anybody?

Ms Valiquette: I think we've talked to some of that earlier. Prior learning assessment, in particular, I think the administration of the colleges, and I believe you've got the opportunity to talk to the presidents later today—

Mrs Cunningham: I'm looking forward to it.

Ms Valiquette: —they will, I'm sure, give you much more information and a much better sense of what their

plans might be, but I think each college is in a much better position to understand the prior learning assessment situation. They're certainly in a situation, through ACAATO, to talk to each other about how to customize and coordinate those activities. Quite honestly, being a financial person—I think my bias shows—when you look at the budgets of the colleges, I think they also feel the pressure of having to deliver the goods with the limited resources and being accountable for the bottom line that they then have to live with, so that they can become probably as creative as anybody in finding the best results with the limited resources available.

I think the sense in the system is that you wouldn't jeopardize quality—and in fact might enhance quality more effectively—by having the system deal with it through the system that ACAATO—sorry, I'm using acronyms again, that the association provides, and just the collegiality of the college; people themselves.

The Chair: We now move to the government members.

Mr Daniel Waters (Muskoka-Georgian Bay): I'd like to go back to page 3 of your introduction where you say that there appear to be three corporate head offices for the Ontario colleges: the Ministry of Education and Training, which I think we all agree, the Council of Regents, which I think we all agree is part of the system, and then the Association of Colleges of Applied Arts and Technology of Ontario, ACAATO.

My understanding of ACAATO is that it's a professional organization where you all belong to it, but it would be something similar—I come out of industry—to the Canadian Manufacturers' Association, that it isn't really a governance body but it's indeed an association that you all belong to so that you can interact on a professional basis. Am I incorrect in that assumption?

Mr Hodgson: I guess there is some similarity, but the ACAATO organization has I forget now how many committees working on various system issues, but a tremendous number.

Mr Waters: But so does the CMA for industry, but it doesn't run the plants.

Mr Hodgson: No, but I'm not—

Mr Waters: It doesn't run Alcan; it doesn't run GM. It's all part of where they talk about their industry, but they don't run the organization.

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Mr Hodgson: No, but I'm not sure at all, Mr Waters, that you can compare them. I think there's a difference in the CMA function with industry and an ACAATO function with the colleges.

Mr Waters: Then would it be more like the physicians with their organization? In other words, a self-governance body.

Mr Hodgson: You may be right there. I'd have to think about it.

Mr Waters: Because I don't see that anywhere in the act, where it has that power, to be quite truthful. I see it very much as an association where you interact and you exchange ideas and plans and work together

cooperatively, but I don't see it as a management. I see it maybe that the management of the different colleges are members of this but I don't see it necessarily being somebody that a college is responsible to. I think that the system is very clear that it's the ministry and then in certain aspects, as you've already pointed out just prior to that, the Council of Regents fits in there as well.

Ms Valiquette: Could I suggest, Mr Waters, that—and perhaps it's a question of semantics. I don't think the suggestion of this document was that the association is an empowered body with a responsibility such as the Council of Regents has.

Mr Waters: Very clearly it does.

Ms Valiquette: What it was meant to infer was that the ministry has got the governmental responsibility. The Council of Regents, as we understood it, had the policy guideline responsibility. ACAATO, as an association—and you're correct; it is an association—is the vehicle which the system uses to make sure that operationally as a system we're translating that policy guideline or direction from the council or from the ministry into reality to the satisfaction of all concerned. So while it doesn't have the ability to dictate to any one of us what we want to do, it's certainly the coordinating mechanism with which we delineate our operational consistency.

Mr Waters: But that would then go back to Vision 2000, which pointed out some very clear problems. It says, "Vision 2000"—this is in our background notes from our researcher—"identified the following problems in the college system:

—"a lack of system-wide standards, quality or planning;

—"inadequate links with secondary schools and universities;

—"complaints from employers about the quality of the education college graduates received."

Those are the first three listed. When I look at what's happening with the system as it's evolving now, what I see your job—and then you have everyone else working on it. The Council of Regents is trying to bring this together at the present time, is it not?

"Lack of system-wide standards." I have a daughter who just got a nursing degree out of Georgian College and I would hope that degree that she got was as good out of Georgian as any other college, no better, no worse, and the education that she received for three years.

Ms Valiquette: And we would agree. I think if you look to the—

Mr Waters: But isn't that what the Council of Regents is working on, to make sure—because there is a perception out there that indeed that is not necessarily so.

Ms Valiquette: I guess what we're trying to say, and perhaps collectively we can find better ways to say it, is that the Council of Regents is providing good guidance and should play the policy role with respect to helping us make that happen. But ACAATO has strengthened its ability and its focus over the last several years, certainly recently under Ms Homer's arrival, to focus on exactly the issues that you're talking about because the system has to start having the consistency of approach, the

consistency of standards, the deliverabilities that in the past I think might have been justifiably a problem because each college was doing its own thing as opposed to realizing that they have to work collectively as a system. So I think ACAATO does play a very valuable role in translating what we do operationally into the most effective results.

Mr Waters: But I guess the perception out there historically, back in the mid-1980s or the late 1980s when the Liberal government of the day worked through the Vision 2000, was very much that this was not the case, and therefore the minister has directed the Council of Regents to make sure that is the case.

Ms Valiquette: I don't think you would find anyone disagreeing that the Council of Regents doesn't have a very valuable role to play in that. I think what we're talking of is the delineation of where curriculum or administration or whatever you want to call it starts and policy guideline stops. It's the question of who's in the best position to delineate the details of curriculum and the deliverabilities within a set of guidelines that everyone agrees on.

Mr Waters: I'm going to ask one very quick question and then I'll change the topic totally. I see a major change in the makeup of the colleges, especially going through the recession. I was wondering if you could give us any numbers, because I hear from the opposition and from other people that they refer quite often to "our young people." I think some of the realities of some of our colleges is that our young people are now 45 and 50 in there. I would like to know what those numbers are, if you have them. What is the percentage of adult students, not children or young persons, that is coming through the education system and continuing on, where indeed somebody's gone out and come back?

Mr Kenneth Moorehead: At Canadore, it's 33% mature students who fall into that category.

Ms Valiquette: I don't have the precise example for Centennial. Certainly the continuing education program is growing quickly, which would be the older, more mature returning student.

Mr Gary Malkowski (York East): Thank you for your presentation today. Having read through it and heard the comments made on the previous questions, I would just like to pose one question. I know society is definitely changing and the population demographics are changing. Looking specifically at people with disabilities—and as you know, statistics show that more than 2.5 million people are actually identifying themselves as being disabled. The reason for that is a wide variety of reasons, some of them being medical reasons.

With technology, we've seen many people who in the past may not have survived injuries or illnesses now being able to survive due to improvements, yet there are also people becoming disabled due to accidents. There's a whole variety of reasons why this population is increasing, be it from drug use, and then the higher rate of children born with disabilities, accidents, environmental causes.

Having heard also the presentation from the Council of

Regents yesterday and the report it released, it mentioned that in April 1993 cabinet approved the following amendment to regulation 770, and I'll quote from that. In (2.1) it says:

"In appointing members to a board of governors under clause (1)(a) [external members], the Council of Regents shall recognize the importance of ensuring gender balance and equitable representation of persons with disabilities and persons from the ethnic, racial and linguistic communities served by the colleges."

I've heard some comments and would certainly like to congratulate you on recognizing gender balance and ethnic representation. I realize that we've seen a real increase in that and a much better balance in terms of representation on various boards. My concern is the low representation still of the disabled population. I know one member mentioned the efforts that are being made in that area.

Could you just let me know what type of efforts are actually being undertaken in terms of identifying and recruiting members from these communities? What sort of action plan is under consideration, specifically in relation to recruiting and identifying members to the board of governors?

The second part of my question is just in terms of actual employees within the system, faculty who are actually disabled and so on. Do you have any statistical information within the college system regarding the number of disabled people working in the system requiring support services, as well as students attending the colleges who are disabled? I know right now we're seeing, with new technology—in fact, we sometimes have new barriers for disabled people because of technology, which is a unique way of looking at it. I often look at the issue as global accessibility, when providing accessibility not only to disabled people but many things benefit other people as well.

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Just to give you an example, when you build a ramp it's not only an issue of accessibility for people in wheelchairs, but it also helps people who, for example, are bringing in heavy equipment. It's beneficial to many people.

Real-time captioning is not only beneficial to students who are deaf and/or hard of hearing, but it also is good for people who are learning English as a second language, for example, and it's beneficial in terms of upgrading literacy skills. Within the college system, computerized note taking can be a beneficial service to other students.

Can people make some comments specifically in terms of an action plan, as I mentioned, in terms of identifying and recruiting members of the disabled community, and are there statistics on students who are disabled and is there any review or study looking at support services offered to those students? I know it's a big question, but if people could comment on that.

Mr Hodgson: Thank you. That was a very long question. I can only speak probably for Mohawk College where I've just completed two years as chair of the

college. We recruited a physically challenged lady who actually runs an organization in the Hamilton area seeking employment for handicapped people. She came on our board several years ago and is a tremendous asset to us. The college, of course, is totally accessible, as far as I know, for physically challenged people.

As far as the numbers, we have only one on our board, but then you get into the matter of the total community needs for a board member of that type. In our particular catchment area we have a strong aboriginal population, so we tend to seek out one or two members of an aboriginal group to represent us on the board.

As far as the numbers of handicapped people, physically challenged people on our staff, I can't give you an answer because I don't really know how many. I know there are some. Perhaps Helen next to me might be able to answer on her college makeup.

Ms Kohner-Friedman: I think what we should be focusing on in relation to your question is not whether the boards of governors should be recruiting people with disabilities, but are our colleges accessible to people, students with a variety of disabilities. I think the important thing here is getting the students in the door, being able to accommodate their needs.

At our college, all of our new buildings exceed standards under the building code and are completely accessible. That is something that the board has said, that any building that goes up on campus has to be completely accessible. We've redone all our signage to assist those people with disabilities. I think the making of the physical layout and classroom experience for the students is far more important than whether you have somebody on your board of governors who has a disability.

I think we have to recognize that, as you have so wisely pointed out, there are a variety of disabilities and you have to try to accommodate those on a client level, on a student level, and then work from that to determine their needs. I think those needs should take precedence over whether you have somebody with a disability sitting on your board of governors.

The Chair: Thank you, Ms Kohner-Friedman.

Ms Margaret H. Harrington (Niagara Falls): Any time left?

The Chair: I'm sorry, there is no time. It's actually 16 minutes and 10 seconds. I'm sorry; there are two of you left who wanted to speak, I realize that.

Mr Bradley: Thank you, Madam Chair; you are doing an excellent job there.

My first question to you is regarding the Ontario Training and Adjustment Board—as we would call it around here, OTAB, and no one would know what it meant—but the Ontario Training and Adjustment Board has been established in this province and it has representation from labour and from business and there are a couple of other categories of representatives on it. One of the criticisms that some advanced was that the people from the community college system, perhaps from the university system—but it'd be more relevant probably from the community college system and even from other parts of education—were excluded. That's one issue.

The second issue, if I may get on a hobby horse a bit here myself, is that it is out of the control of the Legislative Assembly. Members acquiescently allowed a \$2-billion budget to get entirely out of their control, be controlled by non-elected people. One of my real problems in our democracy in this province—it's not a partisan issue; it's an issue as a representative—is that we continue to turn more and more of the power of elected representatives over to courts, quasi-judicial bodies and agencies, boards and commissions.

My question is: Do you believe that the Ontario Training and Adjustment Board would be enhanced by your more direct participation in terms of greater numbers of representatives on that board?

Ms Valiquette: I'll volunteer my personal opinion. The college system educates a lot of Ontario—students. I was going to call them adolescents; however, as we talked about earlier, the student range is growing from people who are going to school for the first time to people who are coming back to school. I think we personally have always been concerned about the minimal representation of the college system on that particular board. I think we are concerned that there is an infrastructure that could be used well if the right participation was allowed to be brought to the table.

Mr MacDonald: I'd just add to that as well. I believe that the issue that is pinpointed by your comments is that the colleges have historically had a tremendous role in training, and in fact, in these times of economic crunch, the revenue generated from offering those services is something that we often have looked at as depending upon in order to carry the budget requirements in an effective manner. I believe from our college's point of view, that would be a representation issue that we'd like to see considered.

Ms Valiquette: One of the premises—and I'll make it very brief—is that we as a system would like to see as many of the dollars as possible going to the classroom and not to the administration of how to get the education out there.

Mr Bradley: That's encouraging to hear. I know I just received yet another package—I don't have it with me—from OTAB. I can assure you that they are putting out some lovely material, that the printing business is doing well. I'm sure they're going to try their best to do an excellent job as well. I found it strange that the community college system, which I always understood was very much involved in training and has been in that business since its inception, would not have a greater direct role in the Ontario Training and Adjustment Board.

My next question deals with governance. We dealt with this issue; others asked questions yesterday of Mr Johnston, the chair of the Council of Regents, about governance and proposals for governance which would call for specific categories to be represented on a board as opposed to a board having a general population which you would hope, and people would watch carefully to see, would be representative of a community at large, still being people as you have pointed out who are going to know how to run a college and not simply be selected because they happen to be from a category.

Are you concerned that if we are too specific in the categories from which we draw people we are going to get people with hobby horses showing up and that the overall governance of the educational institution will be sacrificed as people promote their own agenda? What's the plural of agenda in Latin, *agendae*? *Agendas*. I'll say that.

Mr MacDonald: Maybe I wouldn't mind commenting on that. I believe there are two issues in response to that question and that has to do with the geographical natures of the catchment areas in which we serve. Oftentimes if the prescriptive matrix is too restrictive, when you are trying to represent geographical areas of your catchment area, the community doesn't necessarily provide the pool of people who have the experience that was talked about briefly earlier. So I think that there is that issue about the geographical nature of trying to make sure that your college is representative of that area.

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I do also think that why the colleges have been successful over the past 26, 27 years is that people who have been coming to the board table as community members, come to the board table with a college agenda, not personal agendas, that they do not feel any specific responsibility to report back to a group, and I think there is probably wide opinion to support the feeling that that might occur if we got more prescriptive as you've suggested and as has been recommended.

Mr Bradley: I also look at the ability to competently run a multimillion-dollar operation as being important. To be politically safe, I will use cabinets as an example. Cabinets, I know you'll be totally shocked to hear, are not always selected on the ability of people to run the government well, but sometimes have other considerations.

Mrs Cunningham: You're kidding. What a terrible thing. Why did you—

Mr Bradley: How else would I have gotten into the cabinet without that, without geography or some reason?

Mrs Cunningham: Well, that's true. I withdraw my comments.

Mr Bradley: The Irish Orange had to be represented somewhere, I suppose.

My concern that I have that may or may not be shared is that there may be people from various categories that government select who are in fact in the majority on a board in a specific area and run it very, very competently, and the best of all worlds you can get is that. My concern again is that in our desire in our society, and it's in the cabinets as well, one of which I've been a part of, and Tories and NDP, we tend to select people so that we can say, "See, we've got an Irish Orangeman sitting in the cabinet and they're not neglected," and yet, that doesn't always produce the best of cabinets. Are you concerned that if we get too prescriptive again that you will run into that problem?

Mr Chin: Yes, I think it's well said. If we become too specific in identifying the various categories of people to be represented on the board, I think we may miss out the link of proper education to create a brighter, proactive

economy. I think education is a driving force for a brighter economy and also I think we also miss out the perspective of opportunity, both locally and internationally. So it is important that we do not become too restrictive on identifying the category of representation. We need to have diversity but at the same time we need to have people who have the perspective to allow us to have good educational programs to give us a strong economy and create jobs, and also capture the international opportunity.

Mr Bradley: There's another issue that comes up. I guess what the committee allows each one of us to do, and it's a great opportunity in the committee, is to ask some of the questions that our constituents direct to us. We may not always agree with our constituents when they put forward certain issues or may be apprehensive about even asking questions, but nevertheless it gives us the opportunity to do so.

This is less relevant, I must admit, to the community colleges than it would be to universities: Is it going to be essential to lower the standards of admission for some people in order to ensure that people have equal opportunity within the system? I'll give you an example that's not yours. The colleges of education have said that they are going to save so many seats for people in certain categories, or some universities have said, "Your marks don't have to be as good if you're in a disadvantaged category." Is this going to be essential, to ensure that everybody in this province from various backgrounds and various categories has the same opportunity? Is it going to be essential to lower the admission standards for some so that all will have the same opportunity, or are we heading down the wrong path if we do that?

Ms Valiquette: Could I suggest that perhaps that loops back to our curriculum discussion of before?

Mr Bradley: Yes.

Ms Valiquette: I think the right answer would be to determine what additional assistance that person requires to meet the standards of admission to the college, which is where things like prior learning assessment, or whatever, at a college level can be determined to make sure that those people have whatever they require in terms of additional education, additional classes, additional whatever, to meet the standards that would allow anyone to get admitted to the college. I think that is the right answer as to how to go about that problem.

Mr Bradley: I understand within a community college it's different because you provide a much more diverse kind of education, if you will, than elementary and secondary and universities. You handle far more people coming back, adults coming back, for instance, and so on. So it's perhaps somewhat different from you. But a lot of people can show me figures that'll say a lot of people have not had that access to post-secondary education, and people who are well meaning and perhaps right will say: "Well, the only way you're going to be able to do that is to lower the standards and then see how the people make out. They may do very well."

There was the other question of, again, some university, the law school—some people are going to have longer to write the exam than others. Needless to say, the

constituency office telephone rings off the hook when that happens. I guess I'll ask for a general comment on that.

Ms Kohner-Friedman: If I could speak to that briefly, as Ms Valiquette suggested, I think what we want to focus on is not lowering standards but building up the people who come into the programs. I know at our particular college we have a school of access, which I believe was one of the first in the province, which has as its mandate preparing people to enter into general college programs and to give access to college education to those various sectors that otherwise wouldn't have had the opportunity.

I think, certainly in our technology programs, if you've got weak math skills there is an emphasis towards directing the student to take a year of what's called a pre-tech program so that they are able to build up the skills and be successful in the program. I think retention rates are very important and if you have students who are in a program who don't have the basic skills, there's a reasonable expectation that they may not be successful and will just become another dropout statistic. I think our job is to assist the people acquiring the skills and then have them pursue the programs.

Mr Bradley: I can see from personal experience that it would make a lot of sense to do some of these things and, as I say, it's—I hate to use the word “common sense” these days because someone has stolen the word and used it for other purposes—

Mrs Cunningham: You're so political.

Mr Bradley: I recall having a student in my classroom who had a brain tumour removed and therefore there was an impairment on how long it took the student to read as compared to other students. It made all kinds of logical sense to me that that student would have a longer period of time to complete an examination, because that student could read much more slowly; there was a part missing. That made great sense in that particular case to accommodate that, just to make it equal with others—not giving any advantage; just to make it equal with others. That's why I asked that question. I find your answers very good.

I think Dalton McGuinty has one question he might get in.

Mr McGuinty: Just briefly.

The Acting Chair (Ms Jenny Carter): Less than a minute.

Mr McGuinty: All right. There's not much time remaining. I think you hit the nail on the head—Ms Valiquette referred to that in her remarks and Mr Hodgson read it because it was contained with the body of the presentation—and I think that's the problem that we have here of trust between the Council of Regents and our governors. That's manifesting itself through poor communications and a movement towards centralization. We have a problem here.

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Now, sometimes if you listen to the folks at the Council of Regents they'll tell you that: “All is well in Camelot. Don't worry.” You're giving me—and of course

I knew this ahead of time—a different impression: that there is a significant problem. It's not insurmountable, but I think, at the outset, if we're going to address it, both sides have got to recognize that it's a problem. Are you satisfied that the Council of Regents recognizes that there's a problem here?

Mr Hodgson: Mr McGuinty, certainly from my perspective and the conversations I've had with Mr Johnston, I'm positive he recognizes the difficulty and the need to improve relations between the Council of Regents and the Council of Governors, and I believe the healing process, if I can call it that, is under way and moving right along. I would also have to add that if the paper that the Council of Regents sends to the minister on governance is totally out of line with some of the suggestions we've made, then that may set it back a little bit, but I'm hoping that won't happen.

The Acting Chair: We are out of time now. Mrs Cunningham.

Mrs Cunningham: My questions have to do with the programs in the colleges, and they don't reflect directly on your paper, but I'm sure that you discuss this in your day-to-day work as governors.

I like to look about 10 years down the road in our work because I think one of the greatest challenges facing Canada and certainly this province is whether we're training people for the right jobs. I think it's more difficult to know just what those jobs are and that's why I think in the past we've relied so heavily on the views of the program advisory committees within the colleges as well as the local training bodies. They have different names in different communities, but there were about 48 of them until about a couple of weeks ago, and now under OTAB there are about 24.

That was not the message the government got when it went out on its five-minute presentation bit across the province on OTAB, which was, excuse me for saying this, a farce; it was an insult to the public. But even then, in five minutes, when they heard that there were problems about the boards, they didn't do anything about it. So I think we've got some really serious concerns. I think the citizens of this province do.

How are the community colleges and the training institutions—and our secondary schools, which I don't feel do enough training; I personally feel that the curriculum there has to have a major overhaul. I'm not talking about tinkering; I'm talking apprenticeship training for 14-, 15- and 16-year-olds now. How are you getting your best advice with regard to training needs and do you have the capacity within the system now to change your programs quickly enough to meet these demands?

Mr MacDonald: I'll just respond from our college's point of view. We feel that the infrastructure of our advisory committees is well in hand. I believe the answer to your question is fairly direct in the sense that we get our technical advice from the experts within the community. That continues to be a very strong, supportive network in terms of guidance and assistance with our faculty and our boards.

My sense is that is a well-grounded network of support

and guidance and continues to draw on the most up-to-date directions that are in both business and industry.

In terms of turning programs around and meeting the demands, I believe contract training within the college system is a well-known fact and I think we're capable as a college and as colleges in the province of being able to design and meet the needs in a fairly quick fashion. In fact, that's really one of the major changes and the pressure on faculty, I believe, at the present time: to be able to turn the needs of a client into a program in short order, and that's being done, I believe, across the province.

Ms Valiquette: If I could just add to that, being pragmatic about it, what we're doing is trying to involve the industrial sectors in our programming deliberation, financially as well as just on the program advisory council. We've just opened a communications centre in East York, for example, which brings the best in the technology industry in as a partner, which gives us the benefit of their expertise and their buy-in right from square one with respect to where the communications industry is going to be 10 years from now. So we are building to that future with them as opposed to trying to determine through our own other sources what that future should be and trying to tool to it with limited resources.

I think the way of the future that Centennial sees is to have much more partnership arrangement with the players who are going to need the resources and will influence the requirements over time.

Mrs Cunningham: Do you think that these relationships, or whatever other word you'd like to use—mechanisms, whatever—have become more apparent in the last five or six years or the last two or three years, or have they always been there?

Ms Valiquette: Again, speaking from my limited experience at Centennial, I think fiscal constraints have forced us to become more aggressive in that particular venue, as well as the recognition that education is being so impacted by telecommunications and by the information technology of the world that the pace of change is going to become so rapid that the old way of retooling the college system isn't going to work any more.

Mrs Cunningham: No. Otherwise, you're saying, much of the training is going to have to be done, the technological, out in the industry itself, working with them.

Ms Valiquette: Certainly with their help, that's right.

Mrs Cunningham: I heard Mr Axworthy talking the other day about some recommendations he'll be making with regard to immigration policy, and you've probably heard more than I have because I honestly, in this job, don't get time to listen to the things I should be listening to. But it bothered me, once again, to hear—and this is not a political comment—the fact that he stated that our resources in this country with regard to skilled tradespersons are lacking. The fact that that may be one of the requirements of immigration is probably all very good, but if we've got this same lag in skilled tradespersons, where do you think we should best be dealing with this?

I'd like our young Canadian people to be having jobs.

It's very frustrating for me when I get these young people in my offices, and I use the word "young people" advisedly. I understand that maybe a third of our college system are mature people coming back for retraining and what not, and I respect that. But we have a real responsibility to use the energies of a generation of young Canadians who have done it right and don't have jobs. I'm now talking about people in their 20s and early 30s. There's a very depressed society out there of young people who have so many skills, such ambition and are losing hope for their future and are having to change their expectations, which all of us have had to do over our lives.

But why haven't we been able to respond to this need and why would a Canadian minister have to make that statement yet again? This is probably the third decade that I've been involved in this whole area.

Ms Valiquette: You're speaking to a very apolitical person here, my view of the world being that any government needs to come to grips with some kind of definition of what they want the core skill set of their workforce to be and they need to somehow get their minds around what's going to be required to develop that particular expertise or that competitive advantage and then develop the infrastructure that will allow that to happen. I guess I'm not clear at any point in time what the vehicle is or what the mechanism is for delineating that kind of economic and development policy.

Mrs Cunningham: Well, all I can say is that we're spending billions of dollars on talking, and if we put that money into the classroom—and you mentioned how the money has to go on the students, and I have always felt that way. People are concerned about what would happen if we were in government; they should be. Because I think that people feel useful when they're doing the things that they were trained to do and most of it is front-line work whether we're in health care, teaching, social and community services, whatever. Pushing paper has never accomplished very much in my lifetime.

I do know that I'm very concerned about the availability of the training mechanisms. I guess the only thing I can say to you today is I'm really pleased to know that there are boards of governors such as yourselves and people who are willing to serve in their local communities, who are sticking up for the young people and making sure these things happen in their colleges regardless of the bureaucracy that one has to face. I think if we didn't have our local boards, in spite of the criticism dealt towards at least elected local boards, our systems of education would not be as good, because every once in a while you get two or three bright lights who ask the key bottom-line question: What are we providing for the students?

I was thrilled to hear you refer to these program advisory committees more than two or three times today because most people don't know anything about them. Most people don't know anything about the things that work in life, I don't think, because most people who work hard don't really want to talk about it.

I'm just going to use the last five seconds or so to say thanks. I enjoyed reading your paper yesterday afternoon

and was looking forward to your presentation, and you haven't disappointed us at all.

The Chair: That uses our rotation for each party. I'd like to thank you very much, Mr Hodgson, for your appearance before the committee this morning, and Mr Moorehead, Ms Valiquette, Ms Kohner-Friedman, Mr Chin and Mr MacDonald.

We have a subcommittee meeting following this immediate recess until 2 o'clock this afternoon.

The committee recessed from 1201 to 1400.

The Chair: This afternoon we continue the agency review of the Ontario Council of Regents for Colleges of Applied Arts and Technology.

COUNCIL OF PRESIDENTS
OF THE COLLEGES OF APPLIED ARTS
AND TECHNOLOGY OF ONTARIO

The Chair: Our deputation this afternoon is the Council of Presidents, and Mr John Saso is the chair. We welcome all of you to the committee this afternoon. Maybe, Mr Saso, for the people who have not yet clarified who is sitting where with you this afternoon, you could introduce them and identify them.

Mr John Saso: I'm delighted to introduce my colleagues. Bruce Hill is the president of Georgian College, Mary Hofstetter is the president of Sheridan College, John Tibbits is the president of Conestoga College, Dan Corbett is the president of St Lawrence College and Bob Gervais is the president of Northern College.

The Chair: You have an hour for your presentation if you wish. If you don't wish to use the whole hour, it means there is more time for the three caucuses to ask questions.

Mr Saso: We will need approximately 25 to 30 minutes for our presentation.

The Chair: Excellent. Then we'll have an hour and a half for the members to talk to you.

Mr Saso: My name is John Saso and I'm the chair of the Council of Presidents of the Colleges of Applied Arts and Technology and the president of Niagara College. The presentation I will be making represents the collective view of the Council of Presidents.

Since their creation, the Ontario colleges of applied arts and technology have experienced tremendous growth, both qualitatively and quantitatively. With 25 colleges in 900 sites serving over 200 communities, we are committed, individually and as a system of colleges, to meeting the unique learning needs of all of our students and clients. Through our 10,000 advisory committee members, we are able to ensure that the academic portfolios of individual colleges meet local needs as well as prepare our students for provincial and regional opportunities. The addition of three francophone colleges represents a recent expansion of our system in line with our mandate to serve our diverse communities throughout Ontario.

On November 1, 1993, over 127,000 students were enrolled in full-time post-secondary programs, and we know that number has increased as of September 1994. Even with the significant decline in federally sponsored programs, the colleges also are able to provide some two

and a half million training days. Our continuing education activities continue to grow, with over 600,000 students registering in continuing education programs this year.

This all comes at a time when college grants for students have shrunk by 27%, from \$5,166 in 1989-90 to an estimated \$3,788 in 1994. Our student population is also changing. System-wide, close to one quarter of our full-time post-secondary students are over the age of 25 years. We are also seeing greater differences among colleges as they reflect their communities with regard to cultural and linguistic backgrounds.

As we approach the next century, our overriding objective is to find local solutions to the challenges posed by our differing communities while continuing to work as a provincial system to meet our common goals within a shared vision.

Qualitatively, the colleges have become dynamic institutions responding to the needs for education and training throughout Ontario. Working with our partners in business, industry, labour and social services, we have become key players in the economic renewal and development of our communities.

Our academic profile has expanded from post-secondary, retraining and continuing education to now include international projects, joint degree-diploma programs with universities and articulated programs among ourselves, with universities and with secondary schools. Responding to our changing markets and their diverse need for access to education and training, colleges throughout Ontario have incorporated distance education, technically mediated instruction, prior learning assessment and opportunities for full- and part-time students to complete their studies through self-paced or self-directed learning.

We are, as a system, committed first to meeting the local, regional and provincial needs for high-quality education and training in a cost-effective manner; and secondly, establishing and maintaining a learning and working environment conducive to the productivity and wellbeing of our students, our employees and our communities.

More specifically, it is the mandate of the colleges of applied arts and technology of Ontario, as articulated in the Vision 2000 document:

(1) To provide high-quality career education that enhances students' ability to acquire information, reason clearly, think critically, communicate effectively, apply their knowledge and participate in society as informed and productive citizens;

(2) To make a college education as accessible as possible. Accessibility should include the opportunity to succeed as well as the opportunity to enrol, and it must be provided in a way that achieves educational equity.

(3) We must be responsible, as a system, for quality assurance through system-wide standards and program review.

(4) We must work together and with our educational institutions offer students opportunities for educational mobility and lifelong learning.

(5) We must create a dynamic, learner-driven system

by anticipating and accommodating the diverse needs of students, both full-time and part-time, enrolled in credit and non-credit courses.

(6) We must forge partnerships in and with our communities, including employers, labour, community groups and governments.

(7) We must be participatory institutions in which decision-making involves both internal and external stakeholders.

(8) Last but certainly not least, we must be model employers in the manner in which we invest in and manage human resource development, in our commitment to equity and the creation of a positive, healthy and supportive working environment.

What began as a loosely knit association of 19 independent colleges has evolved significantly. Recognizing the many benefits accrued through formal associations across colleges, we rely on the Council of Governors, the Council of Presidents, the Ministry of Education and Training, the Council of Regents, the Ontario Public Service Employees Union and the Ontario Community College Student Parliamentary Association for their collective wisdom and unique perspectives on college policies and practices.

In addition, both policy and operational issues facing colleges are addressed in a timely and creative manner through our association's coordinating committees for student services, instructional programs, administrative services, training and development and human resources.

The Association of Colleges of Applied Arts and Technology of Ontario, ACAATO, was established as a non-profit voluntary association of Ontario's colleges by the governors and the presidents to meet system needs for advocacy, research and planning and human resource development. Through the ACAATO structure, the colleges have created a provincial framework within which to address the ongoing and emerging planning and operational issues facing the college system, while at the same time responding to local issues with local solutions.

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With respect to the Ontario Council of Regents, COR was established to provide advice to the minister on policy issues of a system-wide nature. In addition, COR was assigned executive responsibility for the appointment of external board members and for collective bargaining with support staff and faculty and recommending employment conditions for administrative staff in Ontario's colleges.

In its early years, the council also recommended program approvals to the minister and dealt with such capital issues as leases, capital funding and college site selection. The council is not involved in these latter matters today.

The first Pitman report, issued in June 1986, recommended a shift in the council's role away from involvement in operational issues to long-term planning for the system.

In 1988, the Council of Regents was asked to oversee a comprehensive review of the college system and develop a vision of the college system in the year 2000.

The Vision 2000 report challenged the colleges to rethink their academic operations in light of expressed needs for program standards, generic skills, general education and prior learning assessment. Vision 2000 is a fine example of the valuable role played by the Council of Regents in identifying the long-term planning needs of the college system. The then council is to be commended for both the quality of this product and the comprehensive consultative process by which it was developed.

Recently, the current Council of Regents returned to its former role of providing direction on operational issues for two newly established bodies: the College Standards and Accreditation Council, which is responsible for defining program standards, general education and generic skills required of college programs, and the prior learning assessment secretariat, responsible for developing and implementing a system-wide process for prior learning assessment.

At the same time, the Council of Regents continues to act in its advisory capacity to the minister, providing an arm's-length and objective assessment of issues facing the colleges. It is the view of the Council of Presidents that the Ontario Council of Regents' valuable contribution to the integrity of the college system, through its objectivity and arm's-length advisory role, could be jeopardized by the council's deepening involvement in operational matters.

With the maturing of the college system and with the assistance of ACAATO, the needs of today and tomorrow call for a clearly redefined role for the Council of Regents, including specific accountabilities and articulated relationships with the councils of ACAATO and the boards of individual colleges. We are very confident that we can work together with the Council of Regents to achieve our common goals.

We suggest, then, that the role of the Council of Regents should be to provide advice to the minister. With the integrated Ministry of Education and Training, there's an even greater need than before for the minister to have an objective arm's-length council from which she or he can receive timely and comprehensive advice regarding policy and planning issues affecting the college system.

The Council of Presidents therefore views the COR mandate as very important for the provision of objectives and arm's-length advice, and supports the continuing role of the COR as an advisory body to the minister. The Council of Presidents would also expect COR to advocate on behalf of the colleges, where appropriate, as the system of colleges strives to ensure access, quality and efficiency in its operations.

Further, COR should devote its energies to long-term planning. The Vision 2000 document, completed in 1990, was a fine example of the role COR can play in long-term planning for the college system. Likewise, COR's current leadership on college-university relationships and the task force on economic development has been very valuable in many ways. The boards of governors, which also play a very active role in long-term planning for individual colleges and the college system, find the council's advice to be invaluable.

The Council of Presidents therefore suggests that the

Council of Regents should work collaboratively with the Council of Governors, with COR's primary role focusing on long-term planning for the college system in conjunction with the Council of Governors and the Council of Presidents.

With respect to operations, while the council is no longer involved in program approvals and capital issues, its recent expansion into academic operations, specifically CSAC and PLA, has caused concern. Notwithstanding the good intentions and extraordinary efforts of COR staff and secondees, decisions regarding academic operations within the colleges are best arrived at and implemented through a process of academic leadership which is, and is perceived to be, of, for and by the colleges.

Therefore, the Council of Presidents believes that operational issues should be handled by individual colleges or, when system-wide in nature, within the ACAATO structure. This would leave the Council of Regents free to pursue long-range planning and policy issues as envisioned in the founding documents, thus maintaining for the minister this invaluable arm's-length source of advice. Consideration should be given to incorporating the College Standards and Accreditation Council and the prior learning assessment secretariat within the existing college structures.

Regarding the issue of governance, the role of COR in college governance was dealt with more fully by the Council of Governors in its submission.

The Council of Presidents wholeheartedly supports the governors in their position regarding the council's role in governance and would reinforce its conviction that the colleges and their students are best served by a community-based, as opposed to a constituency-based, model of representation. Such a position was recommended in Professor Abe Konrad's Green Paper on Board Governance of the Colleges of Applied Arts and Technology in Ontario, 1993, and referenced in *Accepting the Challenge: An Agenda for the Council of Governors*, and the Council of Governors' Response to the COR Governance Review.

Our final observation is reserved for collective bargaining. The complexity of this issue has occupied much of the council's energies, and as a result COR has come to be viewed by many in the college system as having its primary focus in this area. Pitman again, in 1986, opined that "the interests of the province could be better served if those who negotiated the agreement were those who would implement both the letter and the spirit in the local college. Currently both [individual college] management and the union locals are able to disclaim ownership in the settled contract because they can pass the responsibility on to the centre." Central to the issue of collective bargaining is accountability, which must rest with the employee and the employer.

Konrad, in 1993, observed that, "Collective bargaining on a provincial basis may create anomalies across regional boundaries of the province, and provisions should exist for resolving local and unique working conditions at the college level."

Both Pitman and Konrad encouraged the ministry to establish a new employers' association with the authority

to act on behalf of boards in matters of collective bargaining.

We believe that a relationship between management and OPSEU, both locally and provincially, should be built on mutual respect, understanding and a commitment to excellence. This is an essential component to our success in the future. The Council of Presidents also recognizes the diverse nature of the 25 colleges of applied arts and technology and the difficulty inherent in obtaining a collective agreement which can be applied fairly, province-wide. The need to integrate the creation of our collective agreements with their implementation and the overall human resource management philosophies and strategies has never been more critical.

The Council of Presidents would encourage the minister to explore fully alternatives to the present system of collective bargaining.

In conclusion, since the inception of the college system and the establishment of the Council of Regents, much has changed in the world and in the province of Ontario. It is therefore time to revisit the role and relationship of the council within the college system as it now exists.

The colleges themselves, in conjunction with their association, ACAATO, now have the structures in place to handle operational matters managed by the Council of Regents. For operational matters it would be far more effective and efficient to use the resources and structures already employed in the colleges and their associations rather than create a new bureaucracy within the Council of Regents.

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At the same time, the Council of Regents is most effective when assuming a leadership and advisory role in long-range planning and policy issues. What we now need as a system is a clear differentiation of roles, particularly with respect to policy, operations and long-term planning.

On behalf of the Council of Presidents, I would like to thank the committee for providing us with an opportunity to contribute to the review of the Ontario Council of Regents. We look forward to a continued positive relationship with the council and the devotion of our mutual energies to the benefit of our present and future students and our emerging clients.

Respectfully submitted by the Council of Presidents.

The Chair: We don't have on our list here any titles, so if I'm calling any of you Mr or Ms and you have some other title, please correct me.

Mr Saso: We respond to anything, Madam Chair, so feel free.

Interjection: We've learned.

Mr Saso: We've learned, Madam Chair.

The Chair: Fine. If it's agreeable to the committee, we'll proceed the way we did this morning, which is in 15-minute segments. We started with the government this morning, so I think we'll start with the official opposition this afternoon.

Mr Bradley: My first question deals with the issue of financing. I notice that one of the roles you hope the

Council of Regents would provide would be to ensure that there is sufficient money for the system to operate appropriately. We heard figures from the Council of Governors this morning that in fact the funding had decreased considerably. They used the year 1989-90 and this present year, coincidentally—I don't know whether it has any significance—but the funding had diminished significantly.

Since the person who is now the chair, I believe that is the word, of the Council of Regents was such a strong and articulate spokesperson for adequate funding for the post-secondary system, and since we do not have a great amount of money flowing in and apparently people are coping, could you tell us how you've been able to cope with funding that many in the Legislature previous to 1990 would have considered to be totally and completely inadequate to run a community college system?

Mr Saso: I thank you for that question because I think it does point up one of the major struggles that we have in the college system, where at a time when unemployment was high and when things were changing around us in our communities, we needed to do two things: We needed to allow a lot more people in the province to have access to post-secondary education and, at the same time, we needed to find new ways of providing courses that were timely and in a lot of cases required equipment etc that was a lot more costly.

The way I guess we coped was through becoming a lot more innovative about the way we provide programs. For example, a number of us now have moved far beyond what is the traditional sense of education in allowing people to come from 9 to 5, from September to the end of April or May. We now run summer programming, evening and weekend programming. We've had to reduce to a certain extent the number of hours that we provide in a week, we've had to take much larger classes in and we've had to become a lot more innovative in the technologies we use to provide education. That has meant some difficulties for some colleges where they have had to do some downsizing.

I think it's been a struggle that all in the college system, the faculty, the support staff and the administrative staff, have embraced to cope, but I would suggest very strongly that we are at a point where we do not have very much, if any, elasticity left after this term to take in more students. We experienced increases over the last several years of 9%, 10% and in some cases 12% each year. I think our enrolment this year will be somewhere between 2% and 4% increases, and a number of colleges actually increasing less.

We've had to become entrepreneurial at our college, for example, and I'll speak to that, Mr Bradley, one that you're very familiar with. The post-secondary grant now accounts for about one third of our funding. At one time it was about 60% to 70%, so it has dropped radically. I would suggest at our sister institutions at Niagara that has been the case. We've had to do a lot more in terms of working with industry, with business, and finding other sources of revenue to cover off the dollars that are required to increase both the quality and quantity of education that we provide in the system.

Mr Bradley: If I can, I will switch from topic to topic. In terms of governance, I've heard now both the Council of Governors and the Council of Presidents state rather clearly that your students will be best served by a community-based as opposed to a constituency model of representation. Do you have a fear that I have, or at least a concern if not a fear, that if you do it on a constituency basis, those who represent the constituency will be preoccupied with advancing the cause of that specific constituency as opposed to dealing in an objective and fairminded way with all of the policies they have to deal with in a community college?

Mr Saso: From my perspective, and I think some of my colleagues may have a comment too, I would suggest that each one of our communities is different. A college in Metro Toronto has a different constituency base—and I say that in the broad sense in terms of the citizens that it serves—and you know in our area we have another number of challenges in serving our constituents.

I think a community-based way of governance is the best way for us to keep providing high-quality skills. That way I think the community itself can select the people who can help provide the leadership on the board and the direction the college needs to serve the needs in terms of education that is needed in a particular region. From my perspective at least, I believe a community-based model is effective, and most effective in helping in the governance issue of the community colleges.

The Chair: If there are other presidents who wish to speak, Hansard can pick you up. Just feel free to take part if you wish.

Dr John Tibbits: I'd like to speak to this. I'm John Tibbits, president of Conestoga College. Some of you may be aware we went through a difficult time with the council over the last eight or nine months and it was over this very matter.

The area we serve is quite different than the area of Toronto and is quite different than the area of, say, some other colleges in Thunder Bay etc, and I think it's absolutely essential that the community reflects the diversity of that community, not some forced diversity that is determined by Toronto.

The colleges are difficult enough to manage. On one hand we're dealing with limited funding, there's no question; on the other hand we're dealing with very powerful internal unions, and to throw another layer of fragmentation into the college—I don't see how that helps the student or the community to manage.

I think most of the governors and most of the presidents would feel that way. We are trying to do our best under very difficult circumstances, and I think it's absolutely essential that the people who are on the board are there, first and foremost, to represent the broadest community and the college, not a particular constituency.

For one thing, it's a zero-sum game. There are an infinite number of constituencies in a community, and one person often reflects a number of different constituencies, so we feel very strongly about this.

Mr Bradley: Another issue I'd like you to comment on—I asked the governors about it this morning—there's

a significant new training initiative in Ontario, with the cooperation of the federal government I believe, called the Ontario Training and Adjustment Board. One of the notes that members of the opposition offered while this was being discussed in the House, and perhaps some of the government members within the context of the government caucus meetings, was that the community colleges had, at best, a minor role to play in a \$2-billion operation. Do you believe the Ontario Training and Adjustment Board's operation would be enhanced by more involvement by the community colleges in that operation?

1430

Mr Dan Corbett: I'd like to speak to that—Dan Corbett of St Lawrence College—because I've been involved in the OTAB process for the last year or so through the education and training steering committee. In fact, when you look at what OTAB is doing with regard to the whole concept of labour-market partnership and getting the community to decide the levels of training and the kinds of delivery systems, that's precisely where the colleges are. That's what we've been doing.

I think the figure I have in my head is that roughly about 70% of the historical training that is now being amalgamated into the various OTAB organizations was historically provided through the college system. So the changes that are going on there are very important to us with respect to the changing in the environment, the changes with respect to how training is going to be delivered across the province and the long-term economic development issues for the regions, once the local boards get established.

Mr Bradley: There is another issue which has emerged which has caused a conflict between the secondary schools and the community colleges. The secondary schools, with declining enrolment and with battles going on over separate and public schools and because they feel they have a role to play in this, have moved into what some people would have considered in years gone by to be your turf, that is, retraining of people and adult education. Now every board of education has adult education and I think it's free, in most cases, as opposed to yours being a cost, but you will correct me on that if I am wrong. Have you been able to resolve this matter with the secondary schools or is this intrusion into your area—and I'm not making a judgement whether it's right or wrong—but this intrusion into your traditional area still posing problems?

Mr Saso: We all have different experiences in our areas and I'll attempt to talk about my experience, and other colleagues may want to make some comments too. That's a very good question and I appreciate that because with declining enrolments, the secondary school boards, I think, are trying to fill a void, at least in terms of the numbers of students they serve, by moving into areas that traditionally they have not served before, particularly in the adult education area.

We find in our area that, yes, there is a growing number of programs offered by the secondary school boards that traditionally we have offered in the past and we find it somewhat confusing, in that we have situations

where programs are offered that are "free" to the user, to the student, and it requires a whole new initiative on the part of secondary schools to get into that area.

We think it is not the most efficient way for the taxpayers of the province to be served. We believe there are well-defined roles for both colleges and our friends in the secondary school sector to provide the right education at the right time. We are working with the four boards in our area on articulation agreements and those articulation agreements are useful in trying to define where one role begins and where the other starts. The one thing I think we will continue to struggle with is not to "misuse" very limited funds from the taxpayer, and there's only one taxpayer, and to provide the same type of training in the same area, I think, is a waste of taxpayers' money. So we have a lot of work to do.

There's also an intrusion of the private sector trainer into areas and there's a confusion now, a great confusion in that area, about what a diploma is and whether or not a diploma coming from a private institution is of the same quality or what type of weight it carries. We need to be careful about what a diploma is and a diploma coming from a college, I think, is a solid statement that a person is well trained and well educated.

We have those two issues coming from both the private sector and from the school boards and I think there's a lot of work to be done. But I think, as populations decline in the secondary school levels, that there will be more and more pressure on the secondary schools to find, if you'll pardon the expression, new markets for their education and training. Maybe Bob, and then Mary has a comment.

Mr Bob Gervais: Bob Gervais from Northern College. In northeastern Ontario we not only have a decreasing population in the high schools but we have a decreasing population overall. The points that Mr Saso has raised apply in the north as well.

I'd like to raise one other issue, however, and that is that the risk of the numbers of players who are getting involved in adult education could result, at least in the north where we have very small populations, in our population being served less well than they are now because it's going to mean the bankruptcy of somebody. If we divide the numbers so small, then the colleges, the school boards, the private entrepreneur—none will survive or the fittest will end up surviving but that's at a cost of our citizens, I think, that we should really take a look at very seriously.

Ms Mary Hofstetter: I'm Mary Hofstetter, president of Sheridan College. Just to augment what the chair and my colleague have said, the Council of Presidents has also been working closely with representatives from the boards of education and have just produced a report called the schools-colleges report which we will be exploring in depth at our annual retreat starting this coming Sunday. In that report we explore the issues that relate to territorial imperative and one of the key recommendations that emerges is the need for some clarification from the Ministry of Education and Training with regard to where it wants to see us put emphasis.

I would also add that I think all of the college areas—

and we serve Halton and Peel regions which have the luxury of being one of the growing areas of Canada. We have articulation agreements with each of our four boards of ed and indeed are setting up joint facilities right now with the Halton separate board of ed wherein we will be in the same facility offering adult education but determining what they do best and what we do best so that we complement and not replicate. I think that's the model you will see happening in many of the larger colleges in the province.

The Chair: Now to the Progressive Conservatives.

Mrs Cunningham: Welcome. It's great to see some educational leaders here today to talk to us about community colleges and the tremendous challenges I think that you have ahead of you and have had in the past.

One of the reasons we asked to have this on this agenda as an agency is that there are so many unanswered questions as to what's happening in our colleges, questions about governance which you've touched on, and questions with regard to the role and responsibility of the Council of Regents. So I just thought if we all got here and talked about it in front of each other then maybe we could straighten it out. It's really rather simple. At the same time, I'm going to be asking you for some solutions.

One of the questions I do have though, and not just because I probably would have asked it anyway, but both the board of governors and yourselves have mentioned the expansion of the Council of Regents' role into operations such as CSAC and the prior learning assessment seems to be causing some confusion among the colleges and the general public. I can only tell you as the critic for the Conservatives, we get a lot of calls about this. I wanted to ask you if you could give us some examples of ways in which this confusion of roles has had a negative impact on the college system.

Mr Saso: For one thing, we believe that part of what we're doing now in terms of dealing with some of those issues has been ongoing for some time. Colleges and their advisory committees—and I mentioned earlier that there are some 10,000 advisory members in our communities across the province that I think can deal effectively with a number of these issues and deal with them in terms of local solutions.

I think there is a need, however, for a central way of approaching some of these problems and I guess our concern is that there are ways of dealing with them now within the ACAATO structure that has been set up to deal with a number of these issues from committee structures. There's some duplication there.

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In terms of moving at a pace that is in some ways important to get to where we both want to get to, in terms of where the colleges want to get to in these issues and where the Council of Regents wants to get to, time is an issue. I say "time" not from the aspect that we don't want it to happen—we all want it to happen and have been working on it—but sometimes, with the pressures that we have just to make sure that the students and clients we're serving now are well served, the introduc-

tion of a number of these items in a much faster way than we anticipated they should be introduced can lead to some mistakes.

We're not at the end of the piece yet, we're still moving towards the end, but we think we should do it right, we think we should do it right the first time and we think that the luxury of time is helpful in getting there at the right time.

Mrs Cunningham: I appreciate that.

Dr Tibbits: You were asking for some specific examples. I'm speaking for Conestoga here and not necessarily on behalf of everybody and the Council of Presidents. From my point of view, I think it's very important that there are central standards, but I think they should be in the form of performance indicators, for instance, on retention rates and placement rates and certain other quality measures that can actually be verified. Then I think it should be up to the local institution to ensure that it adheres to these. For instance, as Mr Saso was saying, we have over 10,000 people on our program advisory committees in the system.

The problem with a lot of this central control is that in many cases we have not been able to properly consult with the program advisory committees. These are 10,000-plus volunteers from industry. These are the people, by the way, who are hiring our graduates, these are the people who are assisting us in ensuring that we have adequate equipment, that we have relevant curriculum.

The problem with central control, if you talk about problems, is that in many cases the program advisory committees are bypassed in this process because it's being jammed down. A particular example is general education. I think every president would agree that it's very important for students to have strong generic skills: good reading, writing, numeracy skills, problem-solving skills.

Centralizing that, what happens is that you get what we call the liberal arts thrust in a university. That's not what the students need, that's not what these people need. They're coming to college to get specific training. Obviously, if they're in woodworking, you don't want to just train them on 28 machines. They have to be able to work in groups; they have to be able to solve problems.

We can, I think, demonstrate in some of these cases that even the faculty in the system—I mean, there's a big difference between OPSEU as an executive and the faculty as faculty. I know that in our college about 95% of the faculty were not in favour of some of the recommendations that were driven down centrally. I could go on; I don't want to bore you. I don't want to give the impression that we think we should just be doing whatever we want. That's not what we're saying. What we're saying is: Let's have standards. Those standards should be adhered to; for instance, on budgets. As far as many other criteria are concerned, let's establish those central standards, but then let us get on and do the job.

Mrs Cunningham: You mentioned general education. What is the view of the colleges on that timetable for general education?

Mr Saso: Our initial impression was that it was too short a period of time. We agreed essentially with the thrust. But to have it implemented in the period of time that was initially drawn up was just too short a time to do it, we felt, properly.

Ms Hofstetter: If I could just add one thing to that, another issue that is bound up in this is the value of a college diploma. We all know that we live in a time of credentialism, and the colleges have been struggling for 27 years now to really establish the credibility of a college diploma.

Another part of this piece is not only the timing, but also prior learning assessment, wherein we have been advised that people should be able to achieve 75% of the number of credits required for a college diploma through PLA and not through having to come into the college at all. There are concerns, and very justifiable ones from an academic point of view, among our faculty as to what this will be doing to the value of a college credit.

These are the kinds of things on which we feel we do have the expertise among our faculty in particular and consultation and time so that we don't jeopardize the credibility of a college education in the process.

Mrs Cunningham: It's nice to let professionals do their work, isn't it, some days? Thanks.

Mr Robert W. Runciman (Leeds-Grenville): If there are a few minutes left, Mr Saso opened the door for me in his opening comments when he mentioned the expansion of the college system in the three francophone facilities. I know the Council of Regents is a strong supporter of the francophone colleges and I wonder about the need, whether it's as strong as the desire. In the past we've supplied services for Franco-Ontarians through bilingual colleges. I'm just wondering what your view is in respect to that, why that was not adequately meeting the needs, apparently.

Mr Saso: Maybe I could start addressing the issue by looking at the one francophone college that is now up and running in Ontario and is extremely successful, la Cité in Ottawa. I think we've all been most pleasantly apprised of the numbers of students who are attending that college. There are well over 3,000 today. The demand for francophone programming in the Ottawa area was very strong.

It's difficult for me to comment because the other two colleges that are just about to get up and running in 1994-95 have not really come on stream totally yet. Whether or not the need is there for Franco-Ontario colleges in those two other regions, I think we'll find that it is. How well will they fare? I guess time will be the measure of that.

I would also add, though, that bilingual programming is also essential, and in the area of Welland, Ontario, a number of major corporations such as Canadian Tire Acceptance demand of our college, and rightfully so, that programming in French and English be provided to students so that the students they hire to man what is a very sophisticated telemarketing and telecommunications network be a supply of well-trained students who are bilingual.

Mr Runciman: You're not really answering my question, though. I asked you, what was wrong with the system we had in place with bilingual colleges? What was the major failing?

Mr Saso: I don't recognize any major failing.

Mr Runciman: So what you're saying is that you don't recognize the need for specific francophone colleges.

Mr Saso: No, I would not say that. I would say that there is a need for francophone training in Ontario.

Mr Runciman: How do you back that up? Do you have studies to back that up?

Mr Saso: No, I don't have any studies to back that up.

Mr Runciman: This is just an instinct, is it?

Mr Saso: Just coming from an area, for example, in the city of Welland where there is a large percentage of francophone residents and high schools that function in the French language, the obvious conclusion for me is that there is a need for francophone training at the post-secondary level.

Mr Runciman: And that can't be achieved through bilingual colleges?

Mr Saso: Some of it can.

Mr Runciman: It seems to me that when we make these kinds of commitments there should be more than gut instincts that drive those kinds of decisions.

Dr Tibbits: Quite frankly, we're at a disadvantage here. This is a political decision, whether there should be bilingual or francophone colleges.

Mr Runciman: I agree.

Dr Tibbits: I really think you're putting John in a difficult position. I don't think we should answer that question. But I think there are two other questions that could be asked, and one is, whether or not there should be francophone colleges, the big issue with the presidents, assuming we all agree that there should be francophone colleges, is that the pie is the same—in fact, it's less; in other words, the financial pie. You're adding colleges to a system that is already under pressure.

Mr Runciman: Absolutely.

Dr Tibbits: I think that's a key question. I think another key question is, what percentage of the francophone students at la Cité are from Ontario? I think that would be an interesting question.

1450

Mr Runciman: That was my next question, as a matter of fact. You were talking about how successful la Cité has been. You mentioned the 3,000 students. Do you have an idea what the percentage from Ontario is in terms of that student body?

Mr Saso: I think about two thirds, from my understanding, come from Ontario.

Mr Runciman: Do you have any information on the teaching load at la Cité?

Mr Saso: I don't.

Mr Runciman: Maybe I am directing these questions to the wrong body, but there was a rumour, whether it

could be substantiated or not, that some teachers at la Cité are in the classroom for as little as three hours a week and they're being paid for 44 hours a week, full-time work. It would be nice to have those kinds of answers at some point during the process. You wanted to comment on this?

Mr Gervais: I wanted to comment from the position of a bilingual institution, which Northern was. I don't think the Council of Presidents questions the merit of the establishment of a francophone college. That is, in my personal view, something which a decision has been made on. What I find difficult is not to have options for people to continue to study in institutions that are and provide a bilingual milieu which reflect the community as, for example, Northern College did in Timmins. People should have a right to choose, and if they want to choose the French college, they have a choice of the French college. If they wanted to choose to continue to study at Northern College in French, that choice, in my view, should have been provided for the student.

Mr Runciman: How has this decision affected Northern and, I guess, the Cornwall campus of St Lawrence? I'm just curious. How has this impacted or how is it going to impact in the future?

Mr Corbett: In the short term, there was an impact on the Cornwall campus, because what we have in Cornwall is something unique: it's called the education centre. Along with our campus, St Lawrence College, la Cité has a branch campus there. There are I think somewhere in the order of close to 200 students actually attending la Cité in Cornwall. But going back to the point that Bob Gervais was making previous to that, the services were provided through St Lawrence College in Cornwall on a bilingual basis. It was part of my time, but I understand it was also a very much desired need in the community to have a separate post-secondary francophone institution, which is now what they have in Cornwall.

Mr Runciman: Desired by the francophone community?

Mr Gervais: Yes.

Mr Runciman: Okay, thanks.

The Chair: Now we have four government members: Martin, Harrington, Carter and Malkowski. I'm just saying that because you're only just starting your first 15 minutes; you still have a second round.

Mr Martin: Thank you very much. I indeed want to give you kudos for the good work that you do in these very difficult times. You've described the challenge that is in front of you trying to deliver post-secondary education and training at a time when all of us are struggling with the question of reduced dollars, reduced resources outside of our control. We're in a day when that is the reality for all of us.

I want to continue a stream of questioning that I've been trying to follow in these hearings so far, and that's the focus on the changing picture we face. Mr Bradley earlier painted you a partial picture, certainly not partisan in any way, of what's happening out there for colleges re the question of fewer resources. It's fewer resources

because there just are fewer resources out there and tremendous demand for those resources across the board as government.

As government, over the last four years we've gone through some of the more difficult times in the history of the province, with the help of people like yourselves who have been tremendously responsible in front of that, I must say. I've said that to the leaders in my own community of Sault Ste Marie—Gerry McGuire, whom you all know very well—on a few occasions recently. You've done remarkable things in some very challenging times in partnership with us in trying to come to terms with some very difficult circumstances.

However, in the middle of all of that we are also called to change, because things are changing. The demands are changing. The needs of students are changing. The world, the global economy, is calling for us to prepare kids in various and sundry ways. As a government, we struggle with what the community wants, what the various segments within communities—we sometimes call them constituencies—want. We struggle within the already existing structures that deliver programs and we use terms like "territorial imperative," which some people define as "turf," when we get into the discussion of that. It becomes very difficult and confusing at times, so we have to try and keep things clear. Right now, today, we're looking at the role of the Council of Regents in the delivery of programs re post-secondary and colleges.

As government, what do we do? Who do we listen to? We have the organization that represents the governors. We have your organization. The mandated role of the Council of Regents is to advise the minister on issues. We've asked them in these very difficult times to help us in coming to terms with how we introduce some of the new realities. The demand that I hear in my office, and as I read what's happening across the province, for standards and accreditation, is not just in colleges, it's in universities, it's in elementary and secondary education. The public is demanding of us that we be accountable and that there be standards, that people be challenged to meet those standards, that they be equal across the province and that somebody be responsible for making sure that happens.

At this point in time, in that one particular area—there are a number of areas that I'd really like to get into further discussion with you on, but certainly the area of who does all this, who works with us to do this. We've looked to the Council of Regents because that's the body that's already there, and we don't want to be designing something else, because we feel very strongly that the Council of Regents does and has the potential to represent the various interests and the various voices that we need to be listening to across the province. In light of that and in light of the recommendation that you're making here and that we heard earlier this morning, for example, that the college standards and accreditation council should in fact maybe be moved to a body that's closer to yourselves, such as ACAATO, how do you think the groups that are probably most closely aligned to you would feel about that, your faculties and your student associations, re that kind of a shift?

Mr Saso: Thank you, Mr Martin. One of the things that you raise is an important issue with us, and it's role clarification. You indicate that there is the ministry, there is the Council of Regents, the Council of Governors etc. I think every one of them good-heartedly is trying to do the best in difficult times to enhance the type of education we provide our students. One of the things, though, when you have difficult times is that I think we do have the luxury, however, of doing it right, and time does provide us with the opportunity to do it right.

We feel that with the advisory committees, for example, a lot of the visioning of what we need to do to keep on top of a global economy that's changing rapidly is to listen to those people who will ultimately have a lot to do with providing jobs for our students. We feel that the college system itself has a lot of expertise to move towards proper accreditation.

We also believe that there's a role for the Council of Regents to play in this to provide some long-term planning activity in this area, but the implementation, when all is said and done, comes down to the colleges to put in place, and I think the importance of consulting with the colleges on how to implement and what should be implemented is extremely important. We're not damning the Council of Regents; we're just saying that you have to be part of a chain and very much involved in the decision-making part of it as colleges, and through governance and advisory committees, to have it happen properly.

Mr Martin: Have you talked at all with the faculty association and the student association around how they would feel re a shift of that sort?

Mr Saso: I'll only speak for my college, and some of my colleagues may have some additional comment, but I think that our faculties think it's probably a good thing in terms of standards coming into play. The issues are always that we don't want to make sure that the standards are so low that they're easily achievable and that you move to the lowest common denominator rather than coming to the highest common denominator. If you have to move to a higher plane, you need the ability in terms of the competence and in terms of the funding and the assistance to get to that higher plane, and you also need the luxury of time to get there properly, because mistakes can be made if it's rushed.

I think our faculty, from my perspective, generally agree. The biggest complaint that I have had in terms of faculty concern has been that it may be moving too fast and that we need a little more time, at least, to implement.

I don't know if any of my colleagues, Mr Martin, may want to make a comment.

Mr Martin: Okay, sure.

1500

Mr Bruce Hill: I'm Bruce Hill from Georgian College. I think there are two other elements to your question; one of them has to do with the large number of programs in the colleges that are delivered with a work-experience component. Many of the college programs are cooperative in nature, where students combine periods of

time in the workforce along with times at the college. That keeps the college faculty, the college staff, very much on their toes as to the relevancy of what they're teaching in the classroom. That can't be done from afar; that has to be done locally.

The other aspect is concern, I'm sure at some of the colleges, that CSAC and PLA would be more effective if they were more linked and not as separate as they are in the form that they're being driven at the present time, again not because the concepts aren't supported and believed in, but faculty ask us, "Why are we doing CSAC over here and PLA over there when if we were doing more of it internally we would be able to do them in harmony?" So I think there are a couple of other aspects to the question.

Dr Tibbits: We happen to be people who are in management, which is not necessarily popular with some people on the council, but I think there's a big difference between advising and being accountable. In other words, I have no difficulty with the council suggesting there should be standards and ensuring that there are standards that are put in place, but we're the ones accountable for managing that. If you have four major initiatives—CSAC, gen ed, generic skills and PLA—going on at the same time, and your key people are telling you, "This is not the way it should be done," then I think there's a problem. The problem isn't that we should be doing these things; the problem is how we are doing these things.

I think what you want to see is that you want ensure, as a government, you're getting good advice. But there is a problem, I think, when you meld advice and operation. The people on the council are not accountable, ultimately. If our college has difficulty with implementing this, Richard Johnston is not the one who is called on the carpet by the board, I am. It's in the community that I have to answer questions if these things aren't going well.

So I don't think we're questioning here that the council should be involved in any of these things. They should be providing advice, and they should assure the minister that these initiatives are being managed, but they shouldn't be managing them, operationalizing on a day-to-day basis. That's where the problem is, and it's creating all kinds of difficulties in the college system. You may not hear it from the OPSEU executive, but walk into a college and talk to the faculty, ask them what they think of the PLA and generic skills.

My understanding, when you're trying to manage change, is that you are trying to empower the individuals and get them involved in that change process. You're not telling them what to do—I would hope we're not telling them. We're trying to get our employees involved.

So I don't think we disagree here with what you're saying. We're just saying that the people who are accountable for the system would like to have a little bit of say in how these things are implemented, not just be told how they're implemented.

Ms Harrington: Thank you all very much for coming. I first of all want to reiterate what my colleague has said about what you have done over the last three to four years with regard to the funds available to you and

the increase in enrolment. We heard yesterday that the enrolment has gone up 35%, while your funding has gone down 25%. So we certainly want to commend you. On a more personal note, I do want to let you know, from my knowledge, how important Niagara College is to our region. I have a daughter who's 18, so I know how many of her friends have mentioned to me over the last couple of years how integral Niagara College is to their future.

I had two questions. On page 4 you say, "The Council of Regents' valuable contribution to the integrity of the college system...could be jeopardized by the...involvement in operational matters." First I want you to explain to me how you view the valuable contribution to the college system that the Council of Regents makes, just how you see that.

Secondly, to go to the second part of it, which we did discuss yesterday with Mr Johnston, and that is that they have in fact done some of the operational procedures now with both CSAC and the PLA, and we discussed why they had done that. They explained to us that this was an economical way of doing it. I'm not sure if they felt it was a long-term thing. I think they did feel that possibly it was a short-term thing. So my second question is, what do you see as the correct future way of dealing with these very important operational procedures?

Mr Saso: If I could deal with the last part of your question first, one of the things we believe is that the college system, through the ACAATO structure, has in place with a number of college people who work through different committees the ability to help us operationalize those issues, because, as we mentioned a little earlier, the ability to operationalize policy decisions is critical.

I think that the experience we have and the ability to operationalize that has been demonstrated a number of times over and over again over the years and more particularly in the last four or five years with the stress that we've all been under with respect to the economy moving in a different direction. So to answer that question, we believe that in the long term ACAATO has in place, not by adding staff but by using the staff that already exists in various colleges, the ability to operationalize those types of policy decisions.

Ms Harrington: Have you spoken to the Council of Regents about the future of these programs?

Mr Saso: Yes, we discuss that quite often. I don't want to paint this as an acrimonious discussion. I understand that my colleague Richard Johnston the other day talked about the pressure that we're all under and how from time to time there are stresses. We have differing views on this, but I think we all have a very strong view that what we're doing in essence is correct; there just may be different vehicles of getting there. So we need to explore that, I think, in a lot more detail as this unfolds.

Ms Harrington: Before I let you talk about what you see as the valuable contribution of the Council of Regents, I do also note that you have some concerns around governance and other issues. What I would suggest to you, and of course to everybody, is that the way to deal with these concerns about the relationship between different bodies is obviously openness and partnership, and when there are differences get together

and find out where the common ground is. Obviously, that's the only way to deal with situations like this. So that's what I would encourage you to do. What do you see as their valuable contribution?

Mr Saso: One of my colleagues wanted to make just a comment on that particular matter.

Mr Hill: I think it's already been mentioned, but I would applaud the efforts of the council to draw to the attention of the minister the good work that's going on in the college and the support that the council has brought to the funding issue. As difficult as it's been, the Council of Regents has carried to the minister the work that we're trying to accomplish in the community.

Ms Harrington: But could you not have done that yourselves?

Mr Saso: I think that the council has championed the funding issue for us. Personally, I think that Richard Johnston has done a lot in terms of trying to make sure that we get the best we can in terms of tight-funding times. No, we could not have done that ourselves; we do need somebody to champion those types of issues. I think that Richard has really attempted to at least help us.

For the first time in our history, we at least find ourselves on more of a level playing-ground with the universities in terms of funding. It's not that our funding level is exactly the same, but it certainly has moved to the same type of a basic allocation, which was not there before. We've wanted that for a long time, and I think that the council, particularly Richard, has helped that.

Ms Harrington: So, in a sense, you see the council as an advocate for you?

Mr Saso: Yes, we do.

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Mr McGuinty: Welcome to the committee. On behalf of my party, and I know it's been said by virtually everybody else here, I too want to both recognize and congratulate you for the good work that you have been doing under very trying circumstances. The long and the short of it is that you're getting less money, taking in more students and you're introducing new initiatives. So I think that's a pretty significant accomplishment and you're to be congratulated for that.

I want to get your response to Vision 2000. It was a document that was developed in the heady days, the late 1980s, 1990, when, by some standards, the sky was the limit and we had the fastest growing economy, as I understand it, on the planet, faster than Japan. I think you could make a good argument to the effect that your vision at any particular time is a function of the circumstances that obtain, and certainly the rate at which you're going to implement it is also a function of those circumstances.

Now, I understand that the initiatives from Vision 2000—you can correct me if I'm wrong—are, by and large, good things and they will lead to significant improvements in the quality of the programs that are offered at our community colleges. The real concern we have is that there's no money and we're supposed to add that on, add those new programs in, in those difficult and trying circumstances. How do you respond to that?

Mr Saso: From my perspective, Vision 2000 performed one of its most valuable services in having us stop and take a look at where we were, and I think that's important. Secondly, I think that most of the recommendations that were in Vision 2000 were those types of things that would help us now and in the future because they talk about where we should be going.

With respect to adding new programming, that is the difficult issue. The difficult issue is not to add them on but what you subtract in order to put into place those types of programs which, like generic skills, are important. So that's the real struggle. The real struggle is not just add layer on layer, it's what layer disappears and how you make those decisions on what layers should disappear and in fact implement those types of things which are, quite frankly, mandated for us to implement.

Dr Tibbits: The problem with Vision 2000—there were a lot of good points, and I don't want to sound critical, but I think when you're devising a strategic plan, I know in our college one of the key aspects of planning is to prioritize, and I think that's one of the issues. You can't do it all. What is essential to do?

If you look at what is being pushed ahead now—CSAC, gen ed, generic skills and PLA—one would logically start with the standards. You would determine the standards first, both centrally and locally, before you would move ahead with the others. How can you determine the generic skills and gen ed component, how can you go ahead with PLA, before you have program standards?

Ms Harrington mentioned the comments that were made yesterday about saving money. In fact, there's duplication, and there's going to have to be rework here, because one would logically prioritize if one was doing some planning. I think that's one of the prime issues. You can't do it all in Vision 2000, so you have to try to do it the best you can and do it cost-effectively. You have to determine what is the most important thing. The most important thing, to start off, is standards, and it can't just be determined centrally.

Mr McGuinty: I think you've made a very good point there. The committee members should understand that with respect to general education, and correct me if I'm wrong, we are introducing a new component when we have yet to determine whether what we are presently teaching meets a yet-to-be-determined standard. Is that correct?

Mr Saso: Yes, basically.

Mr McGuinty: Okay. I want to talk about your relationship with the Council of Regents. As you know, the council is the subject matter of these hearings. I'd ask you to characterize that relationship. The governors told us this morning that they felt trust was lacking and they'd like to see more trust. I don't ask that to cause mischief; I ask that because if there's a problem with that relationship, then the people of Ontario should know about it, because it cannot help but have a corrosive effect, gradually but surely, on the quality of education we offer here at our college level.

Mr Saso: I think that there are some communication

gaps certainly in terms of developing what is practice and policy in terms of operationalizing policy that have been lacking at times between the council and ourselves. On the governance issue, I think the governors were quite competent and quite willing to make their views known. But I would suggest that the relationship has been anywhere from a good working relationship to stormy. I think that's not something that does not occur in the types of decisions that we have to make in a very difficult time, that you will have stormy times. We have had some stormy times, and we have had some substantial disagreements. So we've had both parts of the relationship, but I would not suggest that it's a relationship that's broken and that can't be revised and revisited from time to time to improve.

In the last several months I think our relations have been better than they have been for probably a three-month period prior to that. So there are some common understandings. There have been very strong opinions expressed by members at this table and governors about what they didn't see eye to eye on, on the council, and I think that some of those have improved and some of them may continue to be sources of disagreement between us, but I think we accept that that's part of the way the system works.

Mr McGuinty: I want to look into the future now, after the social contract expires. I'm concerned about keeping our colleges up and running and continuing to meet probably ever-increasing financial pressures. I want you to tell me what you foresee, what we're not doing, what the council is not doing or what anybody in particular is not doing and should be doing in order to make sure we can properly address that.

Also, are we starting to talk about rationalization in our colleges? For example, just to give you an example, our expensive technology with radio broadcasting, something like this, I think it's offered at 11 colleges. It's pretty expensive equipment. Are we starting to think about offering it at maybe four or five, saying, "You do your first two years here, and you do your third year at this central college" or district college or regional college, whatever you want to call it?

Mr Saso: If I could, I'd like to deal with the first issue with respect to what happens after the social contract. I don't think it's specifically a Council of Regents initiative. You talked about funding and the problem that we're going to experience in the years ahead if the pressure to supply as many people with a solid post-secondary education is still there and with resources shrinking, with numbers increasing. I think that we are at a point where we can't go any further, and I know that we have been pretty good about getting on with the job, even with scarce resources, and not crying a lot about how difficult a problem it is. But I think, quite frankly, in the college system we've reached the point where we just cannot keep going.

There's not only the funding factor, there's a burnout factor. I'm very concerned about a number of people in the college system being stretched to the limit, trying to do the job at all levels; faculty, support staff, administrators being pressured day in and day out and having to

deal with those changing issues at the same time that other things are coming from a different level. So one thing I would urge this committee to do is to get to us the resources which are necessary to do the fine job that we've done in the past.

The second thing I would say to you is that we are not sure what's going to happen with respect to the social contract and when we come out of it. We're still up in the air with respect to the contracts. I don't know if anybody has a firm handle on that. But I know right now that I do not anticipate that a lot of money is going to come our way to help us deal with that issue.

The social contract and all those other things that are sitting over there, we still have the day-to-day operations and what's taking place in a global economy and a very changing economy in our own world to deal with, and where we find the funds to keep up with the technology to train students about what they're supposed to learn today to be able to function effectively in the economy is what concerns us greatly. So although we're talking about one particular set of issues today, to us there are those other issues that are critical for success in the future.

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Dr Tibbits: One of the concerns I have, I'm not saying there should or shouldn't be a council, but I don't think the council in its present format should be responsible for collective bargaining.

My own assessment at Conestoga is that there will be less and less resources. There are not going to be more fiscal resources in the future. Therefore, we have to find ways to be more flexible, more creative, and we feel that the only way we can do that is to have a different kind of bargaining representation. It's very difficult to take an inclusive group like the council and say it is now representing management. Look at the executive committee of the Council of Regents. They're ultimately responsible for collective bargaining for management.

Certainly some of us feel there should be an employers' association. There should be the opportunity for the colleges and the boards to be able to handle their negotiations and to try to ensure the flexibility that's required in the future. Ideally, some of us believe, and not everyone believes, that there should be local bargaining so we can have some of that flexibility.

Mr Saso: Mr McGuinty, my colleague would like to deal with the second, the rationalization question.

Ms Hofstetter: I think that's an important question and a timely one because, as my colleagues have said, we've done the things that every other corporation has done in terms of downsizing administration and the more obvious things, and what we're now left with is examining the centres of excellence that each college has developed in its history and working together to decide who will offer what programs in the future.

You gave one example of broadcasting. There is the fact that right now 23 colleges have schools of nursing. Does that remain appropriate? Those are the questions we are now asking: "Okay, should we say that this college will offer nursing and this college won't? It will offer other allied health programs."

When it comes to technology, which is capital-intensive and where we frequently don't have high student numbers in year three, I know that a number of Metro colleges, of which Sheridan is one, are talking about divesting ourselves of some technology programs, or of the advanced years of those programs, to another college so that each of us can concentrate on the areas where we specialize and where we have the best program. So those conversations are ongoing.

Frankly, to put a positive spin on the financial constraint, those are conversations that were long overdue. There are indeed some good things coming out of this as well.

Mr Corbett: I would just like to add to the comments Mary has just made because the eastern region colleges have had a project in place for the last year or so where we've had a task force looking at this whole issue of rationalization of programming across the eastern region.

But I think when you look at all of the issues we're facing, the other area that we have to pay attention to is this whole aspect of alternative delivery. We have to move out of the traditional modes of delivery, out of the classrooms, and be able to bring learning needs to students, whether they're at home or at work. So this whole issue of using technology to become much more efficient, I think, is one of the things we're all going to have to look at over the next couple of years.

No matter where you go, you always go to wherever the money is. Ultimately that's what you do. Business does it and the colleges do it as well. So as John mentioned earlier, we're all going to have to become much more entrepreneurial and we're going to have to learn how to compete in a much different environment.

I think one of the strategic goals that I have for our college is to become less dependent on government funding, and we have to do that by going out and being competitive in a marketplace by bringing products and services to business and industry so that they'll continue to bring funds into the college and then we can support our post-secondary programming.

Mr Saso: Just to add very quickly, I don't want you to run out of time, the rationalization is a good thing. The problem you face is distance. Sometimes if you want to be a community-based college—and when students don't have a lot of disposable income to move a long way away from home, where they don't live at home and have to expend dollars to live in another community—that is the difficulty you face. But rationalization, I think all us here would say, when and if, is a very good thing.

Mr John C. Cleary (Cornwall): I'd like to take this opportunity to welcome you to the committee. I think these types of discussions are beneficial to all. I know in our part of eastern Ontario there are concerns, and we're lucky to have our president with us here today.

It's my understanding that 87 jobs were lost on the staff in the colleges and students were 997, and I guess last year they're 948. It's common knowledge in eastern Ontario that the savings were \$5.2 million from the academic budget and \$3.4 million from the administration. I know there have been a number of concerns. The

gentleman just mentioned about students having to go to live in another community and I know that was the cause of some in our area, namely Cornwall, to drop out of their courses.

I was just wondering, are you going to be able to maintain the present level the way it stands right now, or do you feel there will further cutbacks in the near future?

Mr Corbett: St Lawrence College has gone through a rather difficult time in the last two years because of severe financial pressures. In fact, we've had to cut about 15% of the cost structures out of the college, and that's been through accommodation of increased efficiencies in our processes. But where you have 80% of your budget tied up in human resources, we in fact have gone through a major reduction in staff. This year alone, we've reduced the college by 90 people. That's across the board with management, faculty and staff.

What we've tried to do is provide a level of service into our communities—because we have three campuses: Cornwall, Brockville and Kingston—and make sure that we maintain our diversity of programming there as well. So in fact this year we're now operating with about the same number of students overall, although there are probably fewer at the Brockville campus. The Cornwall campus has about the same number of students as last year, and Kingston is up just slightly.

The reality that we have, I think, in our particular sector that you've just mentioned is that the financial situation caught up with us and we had to take some rather drastic, tough and very unfortunate circumstances because of the effect we had on people. But what we tried to do in the end, and what we will do, is maintain a level of quality programming in each of our communities, because I think the important issue, particularly in Cornwall, is the whole issue of having access to post-secondary training because of the economic development issues there.

Mr Cleary: Cut off again by the Chairman.

The Chair: I'm sorry. Thank you. Ms Cunningham.

Mrs Cunningham: This has really been informative, really helpful, but I still have a couple of questions.

I'd like to go to the whole issue of the Council of Regents again. Correct me if I'm making a mistake here, but I don't think you're really complaining too much about what it has decided should happen, but about how it's being done. Is that correct?

Mr Saso: Yes. I think there are two problems primarily, and one is a time to implement things properly. In some ways, I think it's a matter of communication and involvement. We're leaders in what we do and I think everybody at this table has talked about the good leadership we've provided. We think the leadership has to be more involved at some of the planning stages of policies that are going to be implemented in the college system.

Mrs Cunningham: You know, if we're looking at cutting spending in this province, which it appears we will be and are—you're experiencing it in a very real way—my idea is not to cut in the front lines. I don't think students should be suffering because of cutbacks in funding.

It's not unusual for me to say this, but the Council of Regents itself has gone from a base budget of \$671,000 in 1991-92—their base is still around the same amount; it's fluctuated. In 1994-95, it's projected at \$634,000 or \$635,000. They've had the human resource area attached to them. Well, that budget has actually gone down. Maybe that's just a matter of putting something somewhere, and if I'm wrong, you can correct me.

But the CSAC and the PLA part have gone—CSAC, for instance, has gone from \$98,700 in 1991-92 to \$1.249 million in 1994-95, and the PLA has gone from \$139,700 to \$446,000 in 1994-95. That's about \$1.7 million in those two programs just for next year.

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I represent taxpayers, and especially students, and if I hear in this committee from both, and especially the council of governors, who give us an example and they talk about prior learning assessment and they say, "It probably could have been managed through the existing structures and resources at the ministry or ACAATO, and secondly, whether PLA should continue as a COR responsibility following its implementation"—we're talking real money here that could be spent somewhere else.

If somebody doesn't give us good advice, then we'll just have to make up our own minds perhaps a year from now, and this is an area that I have no patience for at all. So if anybody would like to speak to it, I'd be happy to hear from them.

Dr Tibbits: I'd like to say one thing on that in general. One of the issues certainly that we've faced in the last four or five years is what we call "off the top of the grant." This money would come off the top. It used to be, about four or five years ago, that 6% came off the top for special projects like the Council of Regents and others. It's my understanding now that it's up to about 14% and it's directed. Rather than going directly to the college, it's directed into different projects. So not only do we have a situation of declining fiscal resources, but we also have a situation where more moneys are being taken from the grant and put into other projects.

Certainly from our point of view at Conestoga we are very concerned. I think the money should go into education. Mr Corbett explained what happened to our college. We've grown by 20% in the last three years. We're doing it on about 15% less grants and we have 15% fewer employees. So I find it very distressing to find an advisory body going from, say, six or seven employees three or four years ago to close to 70 now, 67 employees, and a budget of roughly \$1 million up to \$4 million. It's very, very difficult, because we're all doing more with less and doing it better. So it's very distressing for us to find an advisory body doing more for more, and a lot more.

Mrs Cunningham: These are of course the kinds of questions that you want to ask, but if you don't have good information, then you can't ask them, and that's part of the problem for the politicians. So when we visit you, I hope you'll make that kind of information available. I have been to some of your colleges.

The other issue I want to talk about is something that's

a very large interest of mine, and has been probably for ever, and that is training of our young people, both in our secondary schools and in our colleges and universities. Over the last two decades, one of the reasons I ran for this job is because we didn't get the kind of direction we needed. I was on the London school board for 15 years and we did the co-operative work programs and we also began the communication with our community college, Fanshawe at the time, with the—I forget the name of them. It starts with an A. You talked about them earlier.

Mr Corbett: Articulation.

Mrs Cunningham: The articulation program. The administrators in charge of that program were so frustrated because after three or four years they were able to educate some 15 students or something because of all of the paperwork. I have no patience for this. So I thought we really needed a government to talk about what training needs should take place. Why have we not paid any attention to the Premier's Council recommendations on changes in the apprenticeship programs? Where should they happen? What can we do with our young people? They're leaving school because they're not finding some of their secondary school programs meaningful. They want a job otherwise. Whether we like it or not, they want a job.

So when OTAB was established, I was absolutely appalled, after all the work the colleges and school systems did with regard to trying to find out training needs within their own communities, that we weren't given the kind of representation we needed. Then I heard Dan talk today about the fact that you've been doing some 70% of this training in your college in your community, and you said you're involved in OTAB in some way. I just wondered, is that a body that's going to get something done? I'm going to give you the number: \$600 million. That's their budget.

Now, I'm just an ordinary person who represents north London, but I've had a lot of experience in education and I'm very frustrated. This is a hard way to get things done, to get yourself elected. Anyway, why don't you tell us? I don't expect you to say it won't work, because you and I don't really know that, but I think that's a big bureaucracy to get things done.

Mr Corbett: I think the short answer is that OTAB is just getting off the ground. I feel a much higher level of confidence that they will be able to deliver on the education and training mandate in the province precisely because of the whole philosophy in place, and that is that the labour market partners, management and labour, will have a much more direct influence on the kinds of education and training which are needed. That, frankly, fits right in exactly with the history of the college system, where we have advisory committee systems and we have other structures in place.

I guess the big concern I would have is because of the whole issue of what we've talked about as the day went on, jurisdictional issues and what have you. I sit on a group that has to do with education and training and we're considered to be five equal partners around the table.

There are school boards, universities, community-based

trainers and private trainers, and everybody wants a slice of the action.

So one of the things we have to do as a college system is not only learn to work in this new environment, we've got to fall back on some of the strengths we have. I think there's no greater issue in Ontario at the moment than the education and training of the workforce. When you start to see the dropout rates in high school that we have and the dropout rates, frankly, in colleges and universities, it is just totally unacceptable in the sense of how we want to be able to move into a new economy.

To me, there's a major initiative that we all have to take to make OTAB work, because frankly there's been such a long process of getting it in place and there's such anxiety in our communities that we need to start to make things happen in a very quick and structured, fashioned way.

Mr Saso: If I could just briefly comment, I think that we are, as a college system, very much underrepresented on the OTAB board. That's something that I hope is corrected. We need to be very strongly represented on the board simply because, as we indicated, 70% of the training that is done by colleges. I think that to exclude us and not have us more involved is not helpful.

Mrs Cunningham: Well, John, I sure gave that one a go, and we'll do it again when the House resumes, but you'll have to keep reminding OTAB as well.

She's not watching, so I'm going to ask another question. Margaret's my colleague. She shows me no mercy, so I'll continue on here. Do I have more time?

The Chair: You have five minutes and four seconds.

Mrs Cunningham: It's so unusual that I have more time. Here we go.

Vision 2000 identified the following problems—we have great research. I haven't thanked David Pond for the work he did, but in getting prepared for these meetings he really is terrific and it's really good to—I don't think education is partisan, by the way, in any way. I think it's really nice to get the good advice, so thanks, David. I'm quoting from a document that he put together and all of the work he did to get us ready for this.

The problems—you hate always focusing on problems, but somehow in this job you want to make things better so you're looking for solutions. The first one was "a lack of system-wide standards, quality or planning." Has that been taken care of with CSAC, or is there another way of going there? Should I relax on that, or is there something we should be doing?

Mr Saso: Well, we don't think you should relax on that.

Mrs Cunningham: None of us should relax, right? That's fine.

Mr Saso: Maybe we should relax. In any event—

Mrs Cunningham: Who relaxes any more anyway?

Mr Saso: We think that's an issue that's still unfolding and there's a lot more to be done. I think it's imperative that the right standard level be hit. It can't be too low. We should not be going down to the lowest common denominator. We should move to a level that's achiev-

able, reasonable and also ends up with quality in it, a strong quality component. So there's more to be done.

1540

Mrs Cunningham: Okay, so it's not just within the requirements of the course. I thought they were referring to that, but it might be one of the other points, the "high rates of inadequate reading and writing skills among incoming college students." In your opinion, are those students coming out of our secondary schools or are they both the incoming secondary school students and the adult learners?

Mr Saso: I'd ask my colleague to address part of that, but I would suggest to you that as 25% of our students are over the age of 25, there's a whole set of challenges there that exist with respect to that. We have to bring people who maybe have been out of the system for a long time up to a certain level. That's a critical component and a very strongly growing component. We have a lot of challenge to look after that one. I'll ask Mary to make some comments.

Ms Hofstetter: I would hate to see you having to relax, Ms Cunningham.

Mrs Cunningham: No, I don't want to do that. It would be boring.

Ms Hofstetter: There are two other items on which I would suggest some vigilance could be in order that are very much related to this. One is, we haven't mentioned the word "universities" here today, but I think universities are also a very important part of our business. Particularly when we talk about standards, what we need to achieve, and this is where we all need to be vigilant, is not only the ability of transferability between colleges so that you could for example start a diploma in business administration at Fanshawe and finish it off at Algonquin with full credit, but also the ability for transfer between colleges and universities, because there are a substantial number of people who go both ways.

We have been working closely in developing more agreements on an individual basis with universities, but through the provision of standards, and this is where I think the Council of Regents indeed deserves some commendation for pushing on this, I think we'll make it easier for our customers to be able to move from colleges to universities with better credits. The need for an educational continuum in this province, which takes us from the secondary through post-secondary and back again through a career of lifelong learning, is something on which I would suggest none of us can ever relax.

Mrs Cunningham: On that issue, it was the inadequate links with secondary schools and universities, and you've sort of addressed it, but this point is so important to students. They have lost confidence. They feel they're being pushed from pillar to post, but I have to say they have to accept some responsibility for that themselves and so do their parents. It would be really great, as their interests change, to see that they get credit for some of the things they've done and that we don't keep them in the system so long. Some of the best years of their lives are certainly not wasted, because education, knowledge and training are not a waste of time, but they become

discouraged when their first job still pays—a PhD is expected, I'm told. We heard that last week. But young people really want to get out there and contribute. So I'm glad you're working on that one.

My last point is that I really feel you're such an integral part of one of the greatest challenges we've got in Canada. Although some of you mentioned Ontario today, I really feel that we just don't have a training mechanism in this country, and other countries know it and so do our young people who are working in other parts of the world. It's not to criticize what they've had, because this is still the best country in the world—people want to live here first—but we could be doing so much better. The downside is, it's so expensive and we could be doing a better job with more efficiency. We've got to train our young people and older people for the jobs of tomorrow.

I really wish you all the best of luck. Don't relax, because we need your leadership. You're the experts. I'm just supposed to be a policy person or a critic of policy people. So thank you very much for what you do.

Ms Carter: I certainly would like to welcome you to Queen's Park today and to congratulate you on the good job you're doing with those huge extra numbers of students and less money. I would first of all like to make a comment and then go on to something where I hope to get some response.

First of all, it was suggested by Mr Bradley and Mrs Cunningham, I think, that money is maybe being wasted at the top level and also that money obviously is short within the system. I would just like to suggest that you can't abolish that administrative level of spending altogether. You do need planning, because if you don't have planning, you're not going to spend money to the best advantage throughout the system. Obviously, you don't want to waste it there and you don't want to overdo it, but I think that is a point. I would just wonder where Mr Bradley and Ms Cunningham would get extra money, since they feel that we are already taxing the public too heavily.

Mr Bradley: Do you want an answer?

Ms Carter: This is an ongoing question.

Mr Bradley: I have an answer, if you'd like.

Mrs Cunningham: Since you've mentioned our names, I think you'd better let us respond. First of all, there are some agencies—

The Chair: Excuse me. Ms Carter is actually out of order in asking questions of the other caucus members.

Ms Carter: That was meant to be a rhetorical question.

The Chair: I knew it was. However, Ms Cunningham and Mr Bradley can use some of their time tomorrow to respond to you, I'm sure.

Ms Carter: Okay. The question I want to raise is the question of governance, and I understand that this is still under discussion, that the sort of substantive suggestions for this have not come forward yet. I see that you are distinguishing between a community-based model as opposed to a constituency model of representation. That's on page 5 of your presentation. I have been involved with

the employment equity discussions and I think there are a few analogies here between the situation there and the situation as regards boards of governors.

There's a tendency to assume that these things are automatically putting themselves right, that groups that have been discriminated against are somehow joining the flow and are being represented as they should be, and I think the point we have to remember is that this is not necessarily the case. Ideally, all the constituencies would be melded with the community and there would not be a community on the one hand and constituencies that somehow are not integrated in that community.

I think we have to be quite subtle in our approach to this, because certainly in employment equity we've been accused of saying that the best person won't get the job. Of course, what is forgotten where that is said is that quite often the best person for a specific job might be somebody who comes within one of those special categories that we're saying must be represented.

So we have to be very careful of assuming that there's somehow a body of people that is integral to the community and that would therefore have a global picture of what needs to be done and would include all interests, as opposed to people who come under specific headings and are therefore deemed only to be able to speak for the people within that category and not for the community as a whole.

I'm not saying there isn't a place for people who emphasize one interest or another, because as I said, I think there are interests that are still not fully integrated and represented. But on the other hand, we shouldn't see those people as only representing that constituency and therefore not being able to see the big picture and make a contribution on that scale. I'm just wondering what your comments might be about that.

Dr Tibbits: First of all, the what I would call artificial diversity that's been defined by the council does not reflect most of the communities in this province. The truth of the matter is, you could define in the Kitchener-Waterloo, Guelph, Cambridge area probably another 15 constituencies, and I think that's one of the fundamental issues. If there are issues whereby the college is not serving certain groups appropriately, I think they should be addressed in other ways, and one of the ways they could be addressed is by holding colleges accountable. We talked about central standards etc and I think they should be held accountable.

1550

But there are ways to get opinions of different constituencies without artificially defining two or three constituencies on a board. In fact, I would argue, as you go to the artificially defined constituencies that this council is recommending, that all it's going to lead to is other groups in the community getting very angry because they're not on it. I'm not going to mention another, but I can mention at least five or six in our area that are going to be furious. They're going to want to be on it. So I think we've got to find ways to ensure that these people are being served. That's the key issue, not that they should necessarily be on the board.

Ms Carter: Certainly with employment equity, the categories that were chosen to be especially singled out were so because research had shown that those were precisely the groups which in this place and at this time were the ones that were not getting fair representation. Obviously, this varies enormously. In England a couple of generations ago it was the Irish and so on, you see, so there are just certain groups out there that need a little bit of assistance to gain that representation that maybe other groups take for granted. As time progresses, maybe those groups will become integrated and this will no longer be necessary; maybe new groups will arise which for some reason are not adequately represented. So, obviously, you could designate endless groups, but I think there are reasons behind those particular ones.

The Chair: I don't wish to interrupt you. I just want to advise you that you have used seven minutes and there are two other colleagues of yours who wish to take part.

Ms Carter: Okay. I will leave it at that. I don't know whether there's any response to what I said.

The Chair: I don't think they heard a question at the end.

Mr Malkowski: Thank you to the presenters. Reading through the last page, you're talking about special needs, and I'm wondering what the numbers of students are in this category. You're finding that there is a large increase in students. Are you finding there's a large increase in students with special needs or have there been staff changes within the special-needs departments? Have you increased the number of staff providing services to students with special needs or has that remained the same in spite of increases in the student population?

Mr Saso: I'm going to defer to my colleague Dan Corbett. I think St Lawrence College is probably a good example of what happens in the system.

Mr Corbett: We do get some special funding for special-needs students, first of all, and I think when you look at the whole diversity of the student population which we have, you'd be quite amazed at what we have in the way of self-identification with regard to special needs.

I can't speak for the system because I haven't seen all of the statistics for this year, but I know in our own college roughly 18% of the 4,700 students—that's roughly 836 people—have identified themselves as special-needs students. The large majority of people would be in what we call just general learning disabilities, but then it goes all the way through mobility, medical, hearing-impaired, visually impaired and multiple impairments as well. It's not a small percentage at all with respect to the total student population. It's a large, significant portion of our student population and it requires us to pay very special attention to that so that they have the level of access to post-secondary education which they require.

Mr Malkowski: But with funding restrictions, and in your experience, have there been cuts in the special-needs offices, like cuts to support staff, or has there been an increase in the level of support staff, or has it been basically stable, given the funding climate?

Mr Corbett: No, there have not been cuts. As a matter of fact, the special-needs allocations have increased over the last number of years even though our total funding has gone down.

Mr Waters: This morning, Mr Bradley brought up the fact that people are complaining that government functions are being spun off, away from control of government, to non-accountable bodies, and you, as the Council of Presidents, talked about CSAC and the PLA and how you should have control of it. So I wanted to ask, whom are you accountable to? Are you accountable, as an organization, to the government? The Council of Regents, or your organization—I'm sorry, I got the two mixed up. What role do business, labour and non-college participants have in ACAATO?

Mr Saso: We are accountable, through our board of governors, to the minister. Through the advisory committees, I think we are responsible to our communities because they bring the various concerns and initiatives back through to the college and the college programs according to those needs.

Mr Waters: But then indeed what you're saying is, instead of ACAATO taking control of these, the board of governors should take control of these because ACAATO as an organization is not responsible. It is what I said to the board of governors this morning: It is like what the Canadian Manufacturers' Association is to the industry.

Mr Saso: That may be true. It's a voluntary organization. It is not a board that the colleges report to. We have a direct reporting relationship to the minister through the boards of governors.

Mr Waters: But the boards of governors said this morning that they didn't know whether they were accountable to the ministry, to the Council of Regents or to ACAATO. They didn't know who was the boss.

Mr Saso: Well—

Mr Waters: That was very clear in their statement this morning. I read it into the record again this morning to make sure that—

Mr Saso: I'm sorry, I wasn't here for that comment and I don't know the context under which it was directed. The boards may in fact have some confusion about the directives that they're receiving, but I think they know they report to the minister.

Mr Waters: Okay, a totally different topic: On page 6 you mentioned that, "The Council of Presidents also recognizes the diverse nature of the 25 colleges of applied arts and technology, and the difficulty inherent in obtaining collective agreement which can" only "be applied fairly province-wide." I have a feeling that what you're saying is that you would sooner do local bargaining. Does this mean you would like to bargain locally with your teachers and the support staff and all of the people who touch the college, the OPSEU people, for wages, and that at a local level?

Mr Saso: To put that in the proper context, we're saying that an agreement is best concluded when the employer and the employee conclude the agreement because what comes out of it directly affects them. We have some strong feeling that the way the bargaining

happens now is probably not the best way for it to happen because it is a system-wide bargained initiative, rather than dealing with it on a community and college-by-college basis. We feel there is some advantage, from the standpoint of resolving local issues, in bargaining some issues at a local level. Perhaps some of them can still continue, in our opinion, to be bargained centrally, but there are local issues that I think are useful.

Mr Waters: Okay. I thank you very much for that clarification, that you're dealing with some of the local issues. The other thing that happened this morning was that I asked about adult students, people coming back from the workforce, and I think it was agreed that somewhere around a third of the college students at this point make this up. If I'm not mistaken, a lot of those people come from Jobs Ontario Training, from WCB for rehabilitation, from UIC. Are they not fee-for-service? When you get your operating grant, they're over and above, right? Or a portion? What portion of—

Mr Saso: That's a yes and no answer. Let me just give you some interesting information, because I know we're running out of time. Nearly 30,000 applicants who approach colleges every year for full-time places have got either a university degree or university background. That's staggering. The 25% that I think we referred to earlier is people coming to post-secondary, but there are all these part-time courses, short-term courses, adult training courses that are primarily adult learners, and there are well over 600,000 of those whom we service every year.

Out of the total number of people who come to a college—and we touch almost a million people a year in the college system in one way or the other—I would suggest that probably 100,000 are who you and I would have considered a few years ago to be the logical persons coming into a college: persons coming out of the high school system. So we do so much more than what we've talked about in terms of just post-secondary two- or three-year programs. We do so much more for the community in terms of short-term, skill-specific training and adult training, continuing education than maybe what's shown in the document.

Mr Waters: Thank you very much.

The Chair: See, when you're having fun, how fast five minutes go?

I would like to thank you for appearing before the committee today. I would like to mention again by name Mr Dan Corbett, president of St Lawrence College; Ms Mary Hofstetter, president of Sheridan College; Mr Raymond Guindon, directeur général from Collège Boréal; Mr Robert Gervais, president of Northern College; Mr Bruce Hill, president of Georgian College; Dr John Tibbits, president of Conestoga College; and Mr John Saso, who is the president of Niagara College but also the chair of the Council of Presidents. We have appreciated very much your attendance today and the time that you've given the committee.

The committee will stand adjourned until 10 o'clock tomorrow morning.

The committee adjourned at 1601.

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- **In attendance / présents*

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Martin, Tony (Sault Ste Marie ND) for Mr Ferguson
McGuinty, Dalton (Ottawa South/-Sud L) for Mr Curling
Runciman, Robert W. (Leeds-Grenville PC) for Mrs Witmer

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Wednesday 28 September 1994

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Mercredi 28 septembre 1994

**Standing committee on
government agencies**

**Comité permanent des
organismes gouvernementaux**

Ontario Council of Regents
for Colleges of Applied Arts
and Technology

Conseil Ontarien
des affaires collégiales

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Wednesday 28 September 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mercredi 28 septembre 1994

*The committee met at 1006 in room 151.*ONTARIO COUNCIL OF REGENTS
FOR COLLEGES OF APPLIED ARTS
AND TECHNOLOGY

The Chair (Mrs Margaret Marland): Good morning. I would like to get this meeting of the standing committee on government agencies under way. We will continue our review of the agency known as the Ontario Council of Regents for Colleges of Applied Arts and Technology.

COLLEGE STANDARDS
AND ACCREDITATION COUNCIL

The Chair: This morning's first deputation is the College Standards and Accreditation Council. We welcome to the committee this morning Ms Pam Derks, who is the chair, Mr Bruce McKelvey, the business representative, and Arjun Rana, the professional association representative. Thank you for being before the committee this morning. We do have an hour. How long is your presentation, do you think?

Ms Pam Derks: About 15 or 20 minutes. Is that suitable?

The Chair: What time is remaining we will divide equally between the three caucuses for questions, and we keep track of the time with a stopwatch. Please begin.

Ms Derks: I would like to thank you for the opportunity and for inviting us here this morning to outline to you the operation of CSAC, and not only the accomplishments but the challenges that face us. I know that you have been given a handout prepared by CSAC and I will not read that, but I would like to just highlight some of the portions of that particular document and then all three of us are quite prepared to answer your questions later on.

CSAC started with the initiative in 1988 that extended over two years called Vision 2000: Quality and Opportunity, which was initiated by the government to look at the mandate of CSAC, whether the colleges, after approximately 25 years, were still fulfilling their mandate and whether or not there should be some changes, renewal, reinforcement of the successes that it had and so on.

The Vision 2000 exercise was a very participatory exercise that involved not only internal stakeholders at the colleges but also many external stakeholders that are interested in the educational field. It was supported very strongly by the Council of Presidents, the council of the board of governors, the external business community, the advisory boards within the colleges and the college staff themselves. It addressed issues such as accountability,

quality, consistency in program standards, and within the program standards looked at general education and generic skills.

The document that was submitted to the government in 1990 was then acted upon and the CSAC establishment board was struck. The board was tasked with looking at Vision 2000 and addressing the issues of program standards, program review, the whole issue of general education, generic skills and credentials and accreditation. The draft report from the CSAC establishment board was submitted to the college community and to the external community in February 1992.

I'd like to point out that the board was comprised of internal and external stakeholders. There were administrators from within the college system, there were faculty from within the college system, as well as business people, secondary and university participants, and very wide consultation occurred.

The establishment board report that was then the final report submitted to the minister in July 1992 was substantially unchanged from the February report, although there were alterations in the area of general education where there were some modifications made with regard to the requirements that would be made for the colleges.

In February 1993, the CSAC board was established. The minister had sent out a memo to the community, internal and external to the college system, in it established the board and basically reiterated the principles and the intent as articulated in the Vision 2000 report.

I think the one thing that we feel is very strong about the CSAC board is that it is comprised of internal and external stakeholders. We have a 20-member board which is comprised of 10 internal stakeholders, that is, internal to the college system, and 10 external stakeholders. The external stakeholders are community representatives, business—Bruce is one of those business representatives—and associations like the one Arjun represents. We have ensured that there is francophone representation at the board as well as native representation.

So we've tried very hard to follow through on the basic premises articulated in Vision 2000 as well as ensuring that we have as many stakeholders represented at the table as possible. We also have eight liaison representatives to liaise with particular sectors of the community that would be of importance to ensure that there's consistency, such as the secondary system, the university system, Ontario Training and Adjustment Board and so on.

The mandate of CSAC is to define credentials, set standards and accredit publicly funded college programs.

In a minute I will address some of the successes and where we are in those particular areas. We approve system-wide program standard documents, and that includes vocational learning outcomes, general education learning outcomes and generic skills learning outcomes.

I'll just take a moment to point out that the phrase "learning outcomes" is particularly important and carries with it a very definite direction in what the responsibility of CSAC is. We are looking at what the graduate from the program has in terms of skills, knowledge and abilities. We are not involved in looking at curriculum, at delivery methods, at how the courses are put together, at what mix of programs particular colleges have etc but we are very concerned about consistency with regard to the performance of graduates of similar programs. So the standards relate to that particular area, not the specific curriculum that students will take when they go to a particular college.

Another aspect that we are responsible for is overseeing system-wide program review to ensure that in fact we do have consistency in the performance of the graduates who are leaving the program, and to also take a look at, are there some of the standards that in fact are not appropriate, that are not what we would like to see happening?

The staffing at CSAC: We have a small secretariat, we are currently advertising for an executive director—as a matter of fact, it closed yesterday—and we have two support staff and four policy analysts. We have about 11 people seconded from the college system who come in and work on specific tasks. For instance, we have five people right now who are seconded to work on particular program standards documents. That's what their background is, so they bring their expertise and work for a year with CSAC to develop these particular documents and then will return to their colleges.

I think it's quite important to note that with all committees and councils that CSAC has, we are following through with the premise of 50% internal representation and 50% external participation of the committees so that we will always have the balance between college representation and external representation.

In addition to that, we take a look at gender, regional and other issues as they are appropriate. At times, we will ask additional people as liaison to participate for a particular reason on a specific committee because they will have something additional they could bring to that particular discussion.

There are many challenges that we face, and certainly the last year has not been without its challenges and concerns expressed by the college system and trying to set up a brand-new endeavour where you don't have any policies or procedures. You are really breaking new ground within the college system and change is always difficult.

There are so many things happening at once and we're very aware of that, not just for the CSAC perspective. I know that the college system is concerned that there are so many things happening just with CSAC, but there are many other things impacting the system and we've tried very hard to keep that in mind as we progress down

implementing our mandate and not requiring that everything be done at once and trying to introduce as much latitude as we can within the mandate we have been given.

So resistance to change is a real challenge and it's something that I don't think any specific individual has all of the answers to, but we're trying very hard to include as many people as we can and be as consultative and collaborative in our initiatives to address some of that resistance.

Achieving consensus is always very difficult, particularly when you're in a value-laden area such as CSAC is addressing. There are many different perspectives on all of the issues that we are involved in, not just between the board and external to the board, but within the board itself.

We've worked very hard at trying to ensure that everybody has the opportunity to have input and to work at coming to a level of consensus that allows us to proceed and get our work done and yet at the same time ensures that people have the opportunity for input and to feel they have had some impact on the decisions that are occurring.

Financial constraints both within CSAC itself, because it has been impacted with all of the cutbacks that the government has experienced as well, but also financial constraints within the college system are a real concern. All of these changes are occurring at a time when there aren't a lot of dollars. I know you've been given information on the change and the funding unit that has occurred over the past five to six years and that has had tremendous impact on the system.

We are not to be involved in implementation, nor does the board want to be involved in implementation. That is the college's responsibility. However, we see that there could be a role in a clearinghouse for information, possibly doing some human resource development in the area of what learning outcomes are, for instance, and that kind of thing. So we are struggling currently with, what can we do to support the system while these changes are occurring and yet not be intrusive in the area of implementation? We do not have the desire to be intrusive in that area at all.

In the past year we have accomplished a fair amount. Yesterday we had our first anniversary, if you like. We had our first official meeting a year ago September. I think it's quite impressive when you see the amount that has been generated from this particular council and the secretariat that supports it. In the general education area, the general education framework and goals have gone out to the system for implementation. There was a very short consultation period prior to those goals going out because we, within our mandate, had a very specific time frame that we had to meet for that particular initiative.

We did introduce some flexibility. If you compare the final document to the original CSAC establishment board document with regard to general education, you will see that we've introduced as much flexibility as we could while still meeting the mandate that we were given by cabinet with regard to what we were to do in this particular area.

1020

Colleges in fact are implementing general education courses in 82% of their first-year programs. We have not been pursuing this in a very rigid way. We've allowed a latitude and we've asked colleges to let us know where the problems are with regard to implementation, and we're trying to look at different strategies to help colleges address those issues and the problems they are having with regard to that implementation.

The generic skills area: The council has produced a document on generic skills that has gone out to the community for consultation. The consultation feedback should finish by the end of this week. About five months have been given for substantive feedback to this particular document and the generic skills council will then be looking at the document, modifying it and then it will be going back out to the system. We are not constrained by time or dictated to by time with this one. There isn't a specific time line with it, so we are able to do more consultation and we have a little more latitude in this particular area.

The programs standards area, vocational skills: We will be releasing this week two program standards documents. There were about 16 pilot projects initiated during the formative stages, from 1992 to 1994. Those particular documents have come forward and have been worked on. We will be working on five new program cluster areas to develop standards this year and, as I mentioned, we have secondees from the system staffing that particular area.

We have struck a college credentials committee, but we have not yet become involved in that part of our mandate to any great degree. We had decided that the other areas were a high priority to proceed on because of the time frames that were articulated as well as some of the original work that had been done.

In the future we see ourselves, as I mentioned, finalizing some of the documents, continuing working on the new program areas, looking at, how can we interact with the college system to facilitate implementation and at the same time not intrude into local college concerns or purviews, very much a supportive role as opposed to an intrusive role?

In summary, I would like to say that we feel we are very much operating in a manner consistent with Vision 2000, which did have broad support from the system as a whole. The organizational structure of CSAC is such that we have followed very much the intent of Vision 2000.

The board feels very strongly that we should be an independent body. We have not had any substantive interaction with the Council of Regents. We have been allowed to act very independently over the past year, but the perception could be that there is a fair amount of influence in that area, so we feel that being an independent body is important. It would certainly, as will Vision 2000 and the establishment board document indicated, give us a level of impartiality and autonomy with regard to any existing system.

We feel that we have made a significant beginning to fulfil our mandate, that there are not insignificant chal-

lenges and issues that have to be dealt with but that what we're doing is very important. We want to ensure that the college system can prosper and can graduate quality graduates and that we can respond to the external community that has in fact reflected a need to have some consistency. So if they're hiring graduates of similar programs from different colleges, there's at least a core of knowledge and skills and abilities that these individuals would exhibit.

The Chair: Thank you very much, Ms Derks. We're starting today with the government members. We are rotating each deputation in turn, starting with a different party. I'd like to point that out. We're keeping a very detailed list, so we're doing it fairly. I had Mr Martin down first.

It's 35 minutes, so we'll divide that equally. How would you suggest we do that?

Mr Tony Martin (Sault Ste Marie): Since it's not a big chunk of time—

The Chair: Twelve minutes each?

Mr Martin: Yes.

I'm glad that you came before us today. Certainly there were a lot of issues raised yesterday around the question of CSAC, where it belonged, funding and all that kind of thing, and there were a number of assertions made by the groups that appeared and certainly by the opposition around that question.

First of all, you have pointed out that CSAC was implemented as a result of the Vision 2000 consultation that was undertaken by the previous Liberal government. I don't think there are any of us around the table here who haven't heard from our constituents that, across the board in education today, we need to have a greater handle on standards everywhere, and certainly that's the role you've been given to implement. Our government felt so strongly about that and the whole package of Vision 2000 recommendations that we've allocated \$3 million per year to move that forward, and certainly some of that money is going to yourselves.

The money that you get is well used, it's necessary to do the job and it's not an empire-building exercise by the Council of Regents. I'd like you to respond to that, but I also have another question so that we can move on to my other colleagues here.

The other suggestion yesterday was that—well, there were two or three things. One was that the Council of Regents was becoming more intrusive than it had been in the past and that wasn't the role that was envisioned for it or that it's evolved into. There was some challenge to that. You have said very clearly that you're trying not to be intrusive but simply to set up a set of standards that would guide and then to sort of monitor that as it goes forward. Is there any sense from the people who are on your board, particularly the secondees from colleges, that in fact that is the case? If not, why not, and if so, what is their thinking on that?

The other question I have for you—there are three—is CSAC. There was a suggestion that it should perhaps be moved from the Council of Regents to ACAATO, for example. Would that lessen the budget any? Would that

make it a less expensive exercise if you moved it from one organization to another? What would your response to that be in terms of where it should be, given the arm's-length, objective view that it needs to keep of the system? Those are my three questions.

Ms Derks: Okay, I will try. The first question was with regard to the use of the dollars. We had a board meeting yesterday and I think the general feeling was that there wasn't enough, just like everybody else.

The dollars that we have are scrutinized very carefully by the board with regard to the allocation of resources for travel, for staff, for every aspect of the operation. Because we're constituency based, we have tried to ensure that there's regional representation. I represent the north, in Sudbury. We have somebody from Kenora. Travel costs are an issue, and yet we feel at this point in time that it's still very important to meet face to face because of the complexity of the issues we're dealing with. We scrutinize all of that very carefully.

To ensure that we get a very wide cross-section of secondees skills and knowledge we have several secondees who are only working with us two or three days a week. Rather than just pulling in a group of 10 or 11 people full-time, not all of those 10 people are with us full-time. Some of them are one day a week, some of them two days a week. Working with the staff, we've looked very carefully at: What do we need, how much will it cost us and how do we get the full cross-section of the skill base that we need to carry out our mandate?

1030

When we look at all of the committee structures, for instance, and the program area and so on, we want to have the same kind of representation from across the province inside the college system and outside. We are using teleconferencing more to conduct some of our business, to cut costs, to ensure that we can do as much as we can and address all of our mandate. I would like the other board members to respond as well, but certainly I feel that we are making the most effective use of the dollars that we have. At yesterday's board meeting we again went back and looked at it because of the most recent cut, to say, "All right, where should we take the dollars from, what do we absolutely have to do, how do we spread it as far as we can?"

I'm not sure I'm giving you explicit enough answers, but I think that as chair of the board, I feel quite comfortable in saying that we are managing our dollars very well. I don't know if Bruce or Arjun would like to comment on that.

Mr Arjun Rana: Moneywise, I think we are doing the best we can.

The other question you had asked was to move CSAC from the Council of Regents to ACAATO. I feel that CSAC should be an independent body, which it was set up to be. At the present time it certainly has the membership which is doing that. The impression must always be that it is at arm's length from the college system.

Mr Martin: So it wasn't, in your mind then, a grab by the Council of Regents to sort of build an empire. It was a very logical, well-thought-out decision to put in

place this organization that will monitor and develop the standards across the province and to keep it objective.

Ms Derks: Yes, I think so. I think the other aspect to it is that part of the perception, because Richard Johnston has been acting director, is that there's a very close linkage to and influence by, the Council of Regents. From my perspective, that has not occurred. Whether it be a decision to spend money on a specific area, to send a document out to the college system or whatever, we have not had a single initiative questioned by the Council of Regents, let alone turned back or revised. From my perception, there has been virtually no involvement of the Council of Regents.

Within the contract between the Council of Regents and the government, it states that we're to be allowed—I'm paraphrasing here obviously—to operate as independently as possible, and we have been allowed to do that, in my perception.

Ms Jenny Carter (Peterborough): This question was raised to some degree, but I don't think we've had a full answer, and that is that CSAC would be better situated with ACAATO, the Association of Colleges of Applied Arts and Technology of Ontario. Has either the Council of Governors or the Council of Presidents ever suggested such a thing to you?

Ms Derks: Certainly not to me or to any member of the board that's been brought forward to the board. I should point out that we do have a representative of both of those groups that sit on the board and attend meetings regularly.

Ms Carter: Both the presidents and the governors presented here yesterday and they both brought forward that suggestion, that this is what they would like to see.

Ms Derks: That has not been brought forward at the board level. Yesterday at our meeting—we were having a planning meeting; we had planned this in June before we even knew that this meeting was occurring—certainly the board endorsed the concept of an independent body, independent of any other agency with any vested interest within the college system.

Ms Carter: Would it bother you that maybe the influence of the voter was getting diluted and influence was being lost if such a change were to take place?

Ms Derks: I'm putting words into a couple of board members' mouths, so I'm a bit reluctant to do this, but I do know that on another issue that came forward to the board there was a great deal of concern that ACAATO did not represent the faculty interests and that it was a management structure. We didn't discuss that in detail, and I guess I have some difficulty in answering it in any explicit detail.

The one area we did address was the autonomy, to ensure that the integrity and the validity of whatever we do is not perceived to be influenced by vested interests within the system. That was the area of the discussion.

Ms Carter: Yet looking at it from the other point of view, it is true that you have representatives of colleges and college boards on CSAC—I believe you mentioned that—and I believe a lot of the people doing the actual nitty-gritty work are secondees from the colleges.

Ms Derks: Actually, I believe on the paper you originally got it said 10. Right now we have 11 secondees because one person who was full-time left and we've got a couple of others replacing that person. So by far in the staffing side, the staff is made up of faculty from the college system.

Ms Carter: So to say that you're an intrusion on the operational authority of the colleges, as was again suggested yesterday by the governors and the presidents, you would feel would not be accurate?

Ms Derks: In one way, that's a bit difficult to answer, in the sense that that's perception. Certainly there is the perception in the college community that the centralization of any of these things is an intrusion. I can't argue with that perception, because that's real.

I think what we're trying to do is to take a look at what's best for the graduates of the programs of the Ontario system, for the businesses in the Ontario community and society as a whole, and the message we've been getting, certainly from the business area and from many of the college people, is that we need some consistency and some standards.

I don't think it's right to say that it's not an intrusion, because that is perception and that probably is real. However, I think there's a real value in what we're doing because there's an objectivity to it, and I think there's a broader issue of who is served best with regard to the students and the society.

Mr Dalton McGuinty (Ottawa South): Welcome to our committee. I'm glad you recognize that there's a problem, at least perceptually, with respect to the degree of intrusiveness which is being ascribed to your work by the people who work in the colleges.

We heard from the governors yesterday. I don't know, but if we have a group of unpaid volunteers who give of their free time to do work in our colleges and they express a concern—and we're not talking about a group of people who have a vested interest—I think we have a special obligation to pay particular attention to what they're telling us. They are very concerned about what they said was a centralization of policy development being taken, a centralization with the Council of Regents. I just want to leave that with you.

Then I want to talk about general education. You met with me and we had, I thought, a good discussion of this issue and I just want to get some of that on the record. I had the opportunity to meet with some technical faculty from Ontario colleges, I spoke at a conference which was held here in Toronto, and they expressed to me some concerns about general education. They, as they put it, had seen the amount of class time available to them to teach their technical programs eroded over the years from 30 hours to 23 hours. With the advent of gen ed, as we call it, general education, that will be further eroded to 20 hours a week.

Their concern was that this is going to detract from the barebones program they were able to offer, given existing constraints, and that the end result would be a student who upon graduation wouldn't have the skills, at least to the degree they otherwise should have, because some of

that time had been devoted to general education. I want to allow you an opportunity here today to respond to that.

1040

Ms Derks: First of all, I'd just indicate that the requirement that went out to the system is that there be the equivalent of three hours a week, or a 45-hour course per semester, on general education. "General education" has been defined fairly broadly with CSAC. We have eight specific goals and three guiding principles. I won't go into detail, but they do allow for a fair amount of latitude in taking existing courses and reforming them into general education.

I can give you a specific example of physics. Physics as it's currently being taught would not fit the general education definition or framework that has been developed by CSAC, but if the course was taken, modified in light of the general principles and guidelines that have been outlined in a contextual basis in helping students to relate it to society, to what's happening today, in fact it could become a general education course.

I use that as an example to indicate that on the surface somebody could make the assumption that you have to take three hours a week out of every semester of every program. There are many creative activities that are being instituted to ensure that in fact that isn't necessarily the case. Some decisions have been made to do that; I'm not disagreeing with that. Sometimes it's being done in some semesters, and different strategies are being utilized in other semesters. To be quite honest, I think people have to read the document very thoroughly and take a look at their program and they will see that in fact there is a lot of latitude, with some redesigning. Some of the teachers are going to have to redesign some of the courses and do them differently, and technology is certainly the most difficult area to do that in.

One of the things we are doing this fall is, the general education council will be visiting all of the colleges to talk to them about the implementation: What are the problems they're having, what are the different strategies and creative activities that are being instituted to implement general education? We will be sharing that with the whole system so that people can take a look at how people are meeting these standards and still keeping intact the vocational quality and credibility of their program area. It's not without its problems and challenges at all, I agree 100%, but I do think it's doable.

I could just mention that my job at the college I'm from is to implement general education. It's not been an easy task on a personal level for me, for various reasons, but one of the things we're looking at is developing for nursing programs, for early childhood education, for the kinds of programs that have a lot of field placement, project-based kinds of activities that will be done when the students are out in the field. We have to be creative and take a look at how we can implement this in such a way that it is really meaningful to the student, we meet the objectives and at the same time respect the vocational needs of that particular program.

Mr McGuinty: You may be aware that there's a lawsuit in Ottawa at Algonquin College. There is a student who is suing the college essentially for breach of

contract. The student is alleging: "Look, I gave you x dollars. You said you would provide me with certain skills—I took a welder's course or a welder's certificate—and you didn't deliver, so now I'm going to sue you." From that student's perspective—and I think this is important for all of us to understand—if I'm going in there and I want to be a welder, how is general education going to help me?

I guess the second question I have as well—we've got an 82% success rate. Was not some of that achieved, though, by saying: "Look, just call the damned thing gen ed. You've been teaching it. Now we'll call it gen ed. We've got to get this thing through"?

Ms Derks: It could be. We don't have the statistics on that, Dalton, at the moment at all. I guess there are a couple of responses to the student who is suing. The original mandate of the colleges included general education, because although we were career-oriented and vocationally specific, there was always the recognition that part of the role and mandate of the colleges was to prepare someone to become a citizen within their community as well.

General education: The basic thrust of it is to help those individuals be better citizens within their community, to know themselves better, to be able to be more flexible, because all of us read the different news releases and magazines that talk about the number of careers that each person will experience in their lifetime, and certainly general education should be facilitating the movement from career to career. I don't think it's out of context or inconsistent with the general mandate of the college system from day one. Things have changed, yes, but with Vision 2000 there was the broad consultation that went back to, what should the colleges all be about? The decision was that it was still valid today, maybe even more so today.

I think for us part of the challenge is funding for the colleges. For CSAC, we're trying to fulfil our mandate. I think we can certainly support the colleges in saying, yes, it's difficult and we'd all like more hours in our program, but the bottom line is that we've been given the mandate to take a look at what this system should look like with regard to the program standards, and that includes general education.

Mr McGuinty: I was going to bring out some letters that I've received from program advisory committees and technical faculty people, but I have little time remaining. I want to move on to something else.

Learning outcome versus curriculum planning: You have indicated quite clearly that CSAC does not intend to assume a role of telling them how to get from point A to point B. "We'll just tell you what you're supposed to have when you get to point B." Can you expand on that a little bit, please? Again, as I indicated yesterday, governors in particular, and presidents to a lesser extent, are very concerned about this centralization and dictating from a body somewhat removed from the college boards.

Mr Bruce McKelvey: I'd like to speak to that, if I could. I think that learning outcomes are really central to everything that CSAC is doing and I'd just like to add that one of the aspects of the inspection of our work and

what's going on is really around changing towards measuring learning outcomes, which, in a simplistic way, I look at as deciding to measure the outputs as opposed to the inputs of the learning or training process. I think that measurement process is a good one, is a correct way to be going towards, but it's very, very difficult. The implications on the system in terms of moving towards learning outcomes are profound. It means that one would have to look across a curriculum in terms of achievement of a learning outcome instead of at a particular course level. That's a very, very big change for anybody who is within the system to deal with, yet I think it is appropriate.

I'd like to just go back to the comment about general education too in a minute. It's the combination of vocational outcomes, general education, generic skills and, I believe, prior learning assessment that we're dealing with here. If there is one area of general education that perhaps one could look at and say, "Gee, it's a little bit odd," it is the only one where there is a time-based element; in other words, you must have this many courses and they must be this long. I must say that I would like to see us not necessarily exchange some of the goals and objectives of general education, but rather get them in sync with the whole concept of learning outcomes. That is where the difficulty, I think, will be within the system, and yet I think that's an appropriate challenge for them to deal with.

1050

Mrs Dianne Cunningham (London North): It's good to see you again. You must find yourself in an interesting position. Everybody has decided, and certainly Vision 2000 said, that one of the most important recommendations with regard to problems in the college system—of course, we always talk about problems in Canada. Why don't we talk about the strengths? But we're here to find solutions to things that are of concern to us. The very first bullet was "a lack of system-wide standards, quality or planning." I don't think anybody is denying the fact that we have to have standards. In fact, the public is crying out for it. In spite of a lot of criticism and what not, I commend you for what you're doing.

The question I think that everybody would have is: Who best should do this, who should have control over it and can it be done within the existing system? I'm not an expert in this, but being heavily involved in education, I sometimes wonder—it's interesting, because some of you are within the existing system—I just think we've got a lot of expertise in every college. If we had gone around designing another way of doing it, it probably could have been achieved. But that's not your problem. You were told to do it, and I just want to make that clear.

But there's criticism with regard to how it's being done and the finger does point to CSAC. I think one of the main reasons is, we're here looking at the role of the Council of Regents. A number of years ago, I think it was probably 1986, it was brought to our attention actually—I can't remember whether it was the Council of Governors, it probably was, or the Council of Presidents, but they referred to Mr Pitman's review—and he'll be here later on this morning so we can ask him ourselves—

with regard to recommendations as to the role of the Council of Regents and clear delineation as to responsibilities, which we'll have that opportunity to talk to him about.

I think the fact that you are attached to the Council of Regents is a tremendous disadvantage for you. I don't think you should worry about where you're attached. That's not your problem; get the job done. But I think who you're attached to has been a terrific concern and I also feel that, in spite of the questions by the government with regard to empire-building, when you take a look at a base budget of \$671,000 four years ago, where you added CSAC and the prior learning assessment—and actually human resources, which I think is unfair, but it's in there—it goes from about \$1.6 million to \$2.7 million at a time when everybody else doesn't have as much money to spend.

The biggest program spender, the projection for yourselves that we have, and it may not be correct, is about \$1.2 million next year. People are looking at these kinds of things, especially the colleges themselves, which have been asked to take more students and spend less money, and they're particularly annoyed about more administration. I know that you too would put all your money into the front lines, so we're all on the same side.

Having given you that little analysis of where I think the issues are, I do think the criticism by the presidents yesterday with regard to the time frame for the implementation of the general education was one I'd like to hear from you on, because they were really quite concerned about that. In spite of your numbers today, they're still concerned about it. Just because people filed an idea a few months ago, but they still practically have to implement it in September, maybe it was a bit too soon. Where did this time frame come? Do you really want something implemented that isn't really well done?

Mr McKelvey: Could I speak again, just maybe from the financial side? I am external to the system, so I've got perhaps a little different perspective on it. I do believe that the investment, if you will, is being quite well spent. I'm pleased, for instance, that the volunteers aren't getting honorariums and there aren't moneys being spent that way, and most of the dollars really are either for the secondees or the travel costs. I've got a pretty good critical eye for costs.

The money perhaps could be a little differently spent, from a business perspective. I would like to see perhaps some secondees from business and industry, as well as secondees from within the system. But I don't see any extravagance going on.

The other is the attitude of the Council of Regents. From what I've been able to see over the past year or so, the Council of Regents is in full agreement that the body that we're part of should be more separate from them, and I haven't seen any indication that they're trying to control us, keep us as part of a power play or whatever. They're just sort of saying: "We've been given you for the time being by government. Our expectation and hope is that you will move on and be more independent." Everything that they seem to do reinforces that.

From my perspective as to which way that indepen-

dence should go, I would say we should move further away from the system, not closer to it. My understanding of ACAATO is that it's closer to the system. If you're really looking at what employers are going to need and if employers are going to have an input into the curriculum that this public monopoly really has on education in that sense, I think you should get it further away, but I don't see that the Council of Regents is being at all obstructive on that. In fact, they are trying to facilitate it. That would be my sense of it.

Mrs Cunningham: No, I would never, ever have suggested obstructive. I think they've got stuck with something too. I would chalk this up to mismanagement by the ministry itself. They haven't taken a look at what the roles and responsibilities of the Council of Regents are and they haven't delineated them out to the extent they ought to have. They've confused matters with the last review. We'll have a chance to ask some questions in that regard. But there is total confusion in the system as to the role of the Council of Regents. I mean, if that's your interpretation, I have no problems with it. I think it should have been straightened out a long time ago.

Just to add more responsibilities to a body that already has enough to do, stick it under the budget and pass over—I consider it mismanagement on behalf of the ministry and the government, because they should have straightened this out. That, again, is not your concern, but it certainly is mine because I get this from all sectors and so it's my responsibility to raise it as the critic.

Mr McKelvey: Just with regard to your second question about the time frame, I think the one thing that we're all—we do feel that there is a time push and I guess we're sort of challenged by that and we're trying to deal with it. I think all of us are focusing now. We had a long discussion yesterday about our role as CSAC, how to coordinate these things, because, I have to restate again, the issue is not gen ed as distinct from generic skills as distinct from vocational outcomes as distinct from prior learning assessment.

The real issue is, how do these things comes together? We are going to see, as more, I will call it layers, come forward, perhaps individually, more concern because of the profound nature of the changes that are implied going towards learning outcomes and what that means in terms of delivery of program and evaluation of program. I think you would get agreement. We are working towards, in terms of our capacity, trying to harmonize those four streams, and that's part of what we see as our central job in the upcoming year.

1100

Mrs Cunningham: Who put this time frame on the general education?

Ms Derks: The time frame originally came from the CSAC board establishment document, referred to as our founding document. It was reiterated in the letter of agreement from cabinet with a very firm idea that it would be implemented. What the general education council did, and then the CSAC board, in taking a look at general education is that instead of requiring that it be implemented for September 1994 for all three years, we changed that and said that it would be implemented for

the first year in September 1994, the second year in September 1995 etc, so we moved that on.

The other area of flexibility was that originally mandatory courses could not be designated as general education. They now can be as long as they are within the guiding principles and reflect one or more of the goals of general education, and that has a tremendous impact. That's a great deal of inflexibility. That's one area we're not consistent with Vision 2000 on. We have moved away from that.

The other major change is that we recognize the use of alternative modes of delivery to meet the goals of general education. Initially, the vision was three hours a week. That's a very traditional and, on a personal note, to my way of thinking, outmoded way of looking at education. We're moving much further away from having to have a teacher in front of a student as the only way learning can occur. We said that alternative modes could be utilized to meet those goals as long as, again, they're within the goals and the framework. That then allows a lot more flexibility in meeting those particular objectives, and I go back to what I said earlier with Dalton, that people have to read the document and see that there is a lot of flexibility in there and room for creativity if they wish to pursue it.

As the CSAC board, what we've decided we have to do is gather the information and get it out to the whole system and say: "Look, this is what they're doing here, here and here. Why don't we get some dialogue going back and forth?" We're looking at having a CSAC. I'm not sure if it will be on Internet or a bulletin board, but an electronic interface where people can share information on what they're doing. We don't want to intrude. It would not be us saying, this is what you have to do, but rather facilitating the colleges looking at what are some of the successful initiatives that have occurred. Yes, the time frame was very tight; there is no doubt about that.

Mrs Cunningham: How—

The Chair: I'm sorry.

Mrs Cunningham: I still have two minutes. I watched my second hand. You said we had 12 minutes.

The Chair: Yes, that's right.

Mr McGuinty: The Chair is never wrong.

Mr Martin: Are you challenging the chair?

Mrs Cunningham: No, I'm not going to say the Chair is never wrong, though. Never mind, that's all right.

The Chair: The stopwatch is here.

Mrs Cunningham: That's fine.

The Chair: I'm sorry about that, Mrs Cunningham, but I'm treating everybody exactly the same way.

Mrs Cunningham: I just started today, by the way. The government went last yesterday afternoon.

Mr Martin: So it's going to be that kind of a day.

Mrs Cunningham: It's all right. It's just that they're so interesting. I want to thank you very much for your presentation.

Interjection.

Mrs Cunningham: No, she doesn't make a mistake very often.

The Chair: I'd like to thank the deputation for being here this morning.

WALTER PITMAN

The Chair: Our next deputation that we would like to welcome this morning is Mr Walter Pitman. Good morning, Mr Pitman. Mr Walter Pitman is here as the former chair of the Task Force on Advanced Training. Mr Pitman, there is an hour for your presentation, and we would appreciate you leaving time for the members to ask questions.

Mr Walter Pitman: Absolutely. Thank you very much. I'm here actually as a kind of free flyer. I'm no longer anything. I rather resent being seen as a former anything because I feel as though my future's all behind me, but yesterday I introduced myself as a retired gentleman and I was challenged on the gentleman part, so now I'm just simply calling myself unemployed.

It's delightful to be here. I guess I've been referred to—

Mr James J. Bradley (St Catharines): What have you done with all the hats you've worn over the years?

Mr Pitman: They've all disappeared now. I do want to say that I'm probably seen as a collegephile. I've said on many occasions that I think the development of the community colleges in Ontario is the most important development that's taken place in education in this province in the 20th century, and I still believe that.

Ironically, it's the only part of the educational system that I haven't taught in. I've taught elementary, secondary, I've taught at a university, I've taught in a polytechnic, I've taught in a graduate school, I've taught in distance education, I've tried night school—I've taught virtually any area you can think of, but I've never taught in a community college, which perhaps may say something about what I have to say this morning.

I'm pleased that you referred to my role as the chair of the Task Force on Advanced Training. However, what I did eight years ago was perhaps even more relevant to what you are dealing with here today. At that time I was asked to say something, give some advice to the minister of the day, who was the Honourable Greg Sorbara, on the governance of the colleges of applied arts and technology. I said a great deal about the governance of the individual colleges, and I'm delighted to say that most of that advice has been followed in one way or another.

At that time, I suggested that the Council of Regents probably should be abandoned. I said that because at that time there had been very recently a province-wide community college strike, and I felt that the Council of Regents and the whole idea of province-wide negotiation was perhaps not as helpful as it might be. I came from an experience at Ryerson where we dealt with our labour-management relations in a single institution, where we've all since paid the price of whatever we couldn't agree on. I felt that that kind of responsibility would benefit the college system.

As well as that, I saw very little happening at the Council of Regents level either in future planning or in

giving what one might call broad leadership. I suggested that possibly putting in another advisory board might be more helpful.

As I said in this little document, which I put out on my lap computer, my advice was not taken. It probably is very lucky that it wasn't taken because there's been a major change, I think, in the last few years in the direction of educational response, particularly in regard to two matters.

One is what is happening at the workplace, where you are now moving to corporations that have a demand for much more horizontal kinds of development where virtually everybody in the corporation needs to know a great deal more and be able to express themselves and provide leadership.

Secondly is the whole question of global competition. In fact, we're competing now even for products that are being used by Ontario citizens, competing with every corporation in the world.

I think that has made a very real difference in what will be needed over the next number of years. This may be a long way away from your feelings about the role of the Council of Regents, but if you'll bear with me for a moment or two, I think perhaps I can find the connections.

I've been impressed by what has happened. I think it's very hard for an individual college to deal with standards and accreditation. I bring that right down to the individual faculty member. If I'm teaching history in Sir Sandford Fleming College, by definition I have to believe that the course I'm giving and the examinations I present and all the activities that take place in my classroom are exactly what's needed by every student in Ontario. How can an individual college do very much in the direction of providing provincial standards and provincial accreditation standards? It's very, very difficult.

Here in fact I think the initiative was taken by the Council of Regents in Vision 2000, which, as I've described, is perhaps the most comprehensive planning process ever initiated in this province. I think a great deal was accomplished by that initiation and a great deal is happening now, as you've just listened to over the last number of minutes.

At the same time, I think Ontario caught up with other provinces and most of the rest of the world in recognizing that prior learning assessment was justice in education. Sitting in a classroom is not necessarily the only way of learning anything; in fact, it may be the way of not learning something. I think prior learning assessment does provide intellectual justice, and Ontario has caught up in that regard.

1110

The third area with which I'm going to, I'm sure, bore you this morning is the whole area of advanced training. I thought a very good point was made a few moments ago when it was suggested that teachers in the colleges see every single area of employment becoming more and more complex, more demands, and therefore of course the solution is, "Take it out of general education."

The reality is that every profession is in this situation.

For example, we're still teaching teachers in one year. If I look back over the last 35 to 40 years that I've been involved in education and I think of what I knew when I left what was then the Ontario College of Education and was sent out to a classroom, and what we now know 40 years later about child development, about cultural diversity, about the whole range of activities that go on in a classroom, one has to be absolutely staggered by how inadequately we train that profession. And I think you could say that now about virtually every profession.

Perhaps the response is not trying to cram more into the two-year program. Perhaps the emphasis is on, how do you add to that program, how do you add the new skills, the new experiences that need to be a part of every professional development? That perhaps has to be done in such a way, as is described here, that we find modes other than simply classroom activity. Perhaps most of all it means that we have to use all different kinds of institutions.

One of the things the Task Force on Advanced Training discovered was that in other countries they are moving increasingly to what we might call a seamless system of education, where people move from various kinds of institutions, from, you might say, distance education and open universities to traditional universities to a college or quite often a polytechnic, back to a university. In other words, you make use of every area of the institution response that that particular jurisdiction has.

Now, we in Ontario have not really developed our vocational response very effectively, compared to other jurisdictions. We don't have a system of polytechnics. If you go to virtually any other industrialized country, you'll find certainly the basic college level, you have the polytechnic level, with a degree level but more vocationally oriented, and of course you have the traditional university, to say nothing of all the other kinds of open colleges, open universities and various other forms.

We in Ontario have some kind of preoccupation with a duality. You're either a college or university, and if you fall outside either of these two areas, God help you: You end up in some morass that is really very difficult to sort out. As I watch the problems of Ryerson, as I've watched the problems of the Ontario College of Art, as I've watched the problems of the Ontario Institute for Studies in Education, you see the degree to which we are obsessed with this dichotomy, whereas other countries and other jurisdictions are moving across a range and a variety of institutions.

What has this got to do with the Council of Regents? Very briefly, it's this: We desperately need provincial coordination if we're going to be able to provide a work-force that can compete nationwide and internationally. The graduate of Durham College is going to be competing with the graduates of colleges and universities from Germany, from Scandinavia, from Spain, to say nothing of the United States and all the other countries that are now in the western industrialized world and, very soon, from the eastern world as well; that is, what we'll call the former Communist bloc. This is the kind of world which we have to see.

Once again general education comes into focus here. If we're going to have young people who are going to understand that world, then they have to have a broad base of general education that goes along with that vocational education. One might even say that the problems we face in the world today in terms of the deterioration of our environment, of all the directions we've gone since the Second World War, have emerged from an education on the part of scientists and of engineers which is so narrow and so preoccupied with the mechanistic view of the world that we now find that the very basis of our prosperity and our success is undermining, to put it rhetorically, the future of the species.

Not to recognize that, to say nothing of the fact that we're now realizing that maybe young people are not going to spend their whole lives at work, that their joy and their contentment and their role as citizens may very well be related to spending more and more time in education, in recreation, as well as in jobs, one hopes, in the world of the arts and various other areas of human endeavour—as we see the recession receding, what we realize is that those very companies that are succeeding now are not hiring more people, that our unemployment is not going down substantially or dramatically in the last number of months or even the last couple of years, that in fact we may be dealing with a world in which large numbers of people are not going to be fully employed, that that is going to be the rule and not just what happens when we have a recession or a depression. So general education comes to have that role as well in terms of societal wellbeing.

What does this mean for the Council of Regents? It means that we need, at the provincial level, a higher degree of coordination in certain things, in certain areas. The strength of the college system has been its rooting in the local community. The strength of ACAATO has been its recognition of that and its provision of a role for presidents and governors. But as well as that we need a provincial response which can be worked through a Council of Regents and, through that, I would hope, a connection with our university system. Where other countries are using universities and colleges in a seamless, coordinated way, we are still—students can't even move from one to the other very effectively. In fact, they can't even move from colleges to colleges, in some cases, or universities to universities effectively, to say nothing of universities to colleges or colleges to universities. It's unbelievable that in 1994 we're still trying to sort that kind of problem out. But once again the influence of prior learning assessment may have its effect on that problem as well.

I would suggest that, somewhere down the line, if there's one thing the education system of this province needs more than anything else it's the involvement of the private sector. That was the one thing we found in virtually every other part of the world we looked at. The degree to which the private sector was involved, both in terms of its own role in workplace education but also its relationship to the educational system, was in a sense cooperating in a way we have never been able to achieve on this continent. Here again, I think it's the continental

influence that has had a great deal to do with our response here in Ontario.

I see the Council of Regents as a stepping-stone to one side of this equation. The one side, of course, is important to the local and the community and the rooting in that community, and the other side is the provincial role if we're going to provide an economy, if we're going to provide a graduating force that can face that economy and its international implications.

That's why I would say you have a difficult role in terms of looking at agencies, all agencies. What we suggested as a task force was, yes, another agency, another institute for advanced training, which would involve both the university and the college but also the private sector, as a triumvirate, in terms of what we needed to provide an effective workforce in this province.

That's a roundabout way of arriving at the Council of Regents, but it's certainly the way I arrived at it in terms of my perspective after many years of looking at the colleges and spending a great deal of time in those colleges, even though I never had an opportunity to teach in one.

The Chair: Thank you, Mr Pitman. We will be starting with the Liberals.

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Mr McGuinty: Thank you very much for your presentation, Mr Pitman. I wanted to begin with the labour negotiations role played by the Council of Regents. We've had three work stoppages since 1979, I think, and the presidents have argued that the best kind of bargaining is local bargaining, and that a change should be made so that an employers' association is created and that individual colleges at least be able to negotiate some of the issues—not necessarily all of them, but at least some of them.

There are some very compelling arguments made today with respect to the way we deal with labour issues for our primary and secondary schools. Some people are arguing, "Listen, we should have centralized bargaining, because all we do when we have local bargaining is leap-frog," that the folks in Ottawa say: "Did you see what they got in Toronto? We'll just play one off against the other. They got this in Toronto, we'll get this in Ottawa, then we can work up to Sudbury," and so on and so on. The net effect is that you have everybody getting paid or receiving essentially the same kinds of benefits, notwithstanding that you have local bargaining and different levels of resources available in each of those communities. I'm just wondering what your thoughts are on that with respect to colleges.

Mr Pitman: I think it's a very compelling argument, and you can also leap backwards too. If a college over-compensates its employees and doesn't have resources for anything else, it will have a deleterious effect on that college.

I've always felt in terms of bargaining that the best bargaining that goes on is what goes on between people who bear the responsibility, who pay the price. For example, if a college can't get its act together, if the management and the bargaining units simply can't get

along, they could probably have maybe one strike, but it wouldn't bring the whole province down; it would bring that one college down. And the college would have only one chance, because the second time there'd be no students; in other words, the college would go out of business. So I think there's a certain element of reality in local bargaining.

I put that forward several years ago. I must say I'm surprised that this has come back again from the management, because they were as unimpressed by the argument as was the union at that time. Both felt that to take it back down to local bargaining would not be in their best interests. Maybe there's a change in the climate. Maybe it's time to at least explore this kind of activity.

It's enormously difficult to deal with 23 different kinds of colleges, with different programs. The complexity is just mind-boggling. To try to do it at a provincial level is perhaps impossible to do successfully and make everybody feel they've bought into that settlement.

At the same time, what I've seen over the last two or three years—maybe it's because I'm farther away from it or something, but I've felt there's been more cooperation between management and the unions than I've seen before. When I did my report eight years ago, they wouldn't even sit down in the same room together. They wouldn't even carry on a conversation with me in any college or in any area of Ontario. I had to meet each one separately, because they wouldn't express themselves in the presence of each other.

I see things happening at ACAATO, which I think is much more responsive. They might not have the same kind of involvement in ACAATO as management, as has been suggested here, but I find more responsiveness to the needs of faculty and support staff than I've seen before. And certainly I think there's a feeling at the Council of Regents that there is a degree of common concern.

Perhaps the winds have changed and perhaps it's not the commanding issue that it was seven or eight years ago when you'd had, as you say, two or three provincial strikes. There hasn't been one for a few years. Perhaps we are making some real progress in this area.

Mr McGuinty: I want to capitalize on some of your experience in the broader system of education and your acquaintance with the experience in other jurisdictions. I think a very compelling argument could be made to the effect that education is vital, it is critical to society, and that it is never in the student's interests to be evicted from the classroom; that when you have to reconcile competing interests—the interests of teachers, the interests of school boards or college management and the interests of students—it is in society's interests that the students' interests be given paramountcy. We're not competing against each other now; we're competing against other countries, we're competing internationally. Should our teachers at any particular level, in 1994, be allowed to strike, and should our school boards and our college management people be able to lock teachers out?

Mr Pitman: I think the point is well taken. That's an issue which needs to be resolved. I think the only kind of teacher I would want if I was a student is one who felt

that he was being justly treated. In some cases that can only be achieved by work stoppage.

I think the other thing too is that we have to realize that the classroom isn't the only place where young people learn. They have done studies on students who had in fact been in a school or in a school system, a jurisdiction, where there had been a strike. Within a few months, there was no change whatsoever, that is, their education had not been destroyed by not being in a classroom. I think we're overly impressed by the traditional classroom educational system and we don't realize that there are many ways in which young people can learn and could learn.

One of the best things I ever saw in a strike, incidentally, was when parents became interested in their kids' learning. They suddenly decided they were going to take over some of the responsibility that the teachers and the management had obviously shuffled off. It was magic. In that family, suddenly these parents began to realize what happens in the classroom. They looked at the textbooks. They began reading textbooks with them. I think we've never really recognized the importance of the family unit as an educational force—if we could ever remarshal—and the community.

We live in a learning community, a learning society, whether we call it that or not. There are libraries everywhere. There's educational television everywhere. There's everything imaginable that young people can learn from. In a sense, one could very well make the case that the school has become less and less important, you might say, as the only form or way in which learning takes place.

I would be rather loathe to suggest that necessarily a strike is an assault on students. As I say, in the long run, I would want both teachers and management to be working together, creating a context for education that's positive.

Mr McGuinty: I thought your comments about a seamless system of education were very well taken. I am and would be very supportive of any efforts to help create an educational environment where we stop compartmentalizing: "I've got my grade 12" or "I've got my OAC, so I've done it." "I'm finished with college" or "I'm finished with university," whatever. Rather, I see it as something which you—I hate to use the expression, because it's overused, but it is lifelong learning. I don't like buying into that totally, because I think sometimes it loses its value and it becomes seen as something that's purely fashionable. We've had other trends in education over the years. It's something that I hope is not seen as trendy.

I wonder if you could elaborate on that a little bit in terms of the kinds of things that we can do in the province—I want to allow my colleague Mr Bradley some time to ask a question as well—in terms of reducing or eliminating some of the seams that are found at present.

Mr Pitman: First, I think perhaps what we need to do is to recognize vocational education as being important. We tend to emphasize and to celebrate academic and scholarly education. You might say workplace education has to be valued, the work of head and hand. I think

that's the first stage, the point you've just made. Somehow we've got to end our preoccupation with degrees and certificates and so on.

A few moments ago I think you brought up something when the previous group was here about the problem of trying to cram all that anybody needs to know to do anything into a very short period of time. You see, if we see education as endless, as infinite, as continuing, as lifelong, then that two years doesn't become the end of the whole business.

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It was interesting that the task force spent a lot of time talking about whether we should actually in our report suggest that we get rid of degrees and have a lifelong transcript where you put down everything you've done, whether it's in formal education or whether it's informal education, and make the employer read it to find out whether you have both the experience and the learning which would benefit that particular corporation or operation. That in many ways would be the best of all possible worlds.

We came to the conclusion that it's an international conspiracy, that is, everybody has degrees. In fact, if you go to Great Britain right now, all the polytechnics are now giving university degrees and they're all becoming universities. I spent some time talking to the president of the South West Polytechnic and it's becoming now the University of Plymouth. I said, "Why are you doing this?" He said: "Because we've got to compete in the European union. We've got to compete with all those people over in Europe, so therefore we've got to give university degrees." That's the degree to which we—our heads are hooked on pieces of paper.

The Chair: One minute.

Mr Bradley: My question relates, and I'll make it succinct, to OTAB, the Ontario Training and Adjustment Board, and the fact that the people in the community colleges believe to a large extent that the training role has been snatched from the community colleges and given to people outside the community college or, at the very least, their input into training programs is extremely limited now. Would you comment on that?

Mr Pitman: I wish I could, in all honesty, I really know so little about what has happened to OTAB over the last number of months that I think any comment would be probably totally erroneous. I just have not kept up.

In other words, when I was working on this task force, it was sort of just beginning and it hadn't really got itself together and it was still trying to find members to sit on the board and so on. I haven't followed up, so all I could do would be to really extend that the ideas of making this a part of a continuing education process in the province seemed to me to have great merit. But I simply don't have any idea as to what has really gone on.

The Chair: Miss Cunningham.

Mrs Cunningham: Welcome.

Mr Pitman: Thank you very much.

Mrs Cunningham: It's always wonderful to hear you.

Mr Pitman: You're very kind.

Mrs Cunningham: And you always have the same amount of enthusiasm. It's great. You never give up.

I'd like to talk to you about technical training, vocational training, the fact that I have been not been one bit successful in seven years in getting either of the two governments to look at apprenticeship-type training in our secondary schools. I still think young people are sitting around doing things that are unimportant to them and therefore not happy with their education. I think it starts with 14-, 15- and 16-year-olds sometimes because they became so bored and they also feel so unchallenged and useless that it's part of the problem in society today. But we won't talk about it unless you want to.

I want to ask you about a couple of things. Basically, you've been quoted, so I'd like to tell you what people are saying about you.

Mr Pitman: I'm not too sure that'll make me very happy.

Mrs Cunningham: Yes, it's good stuff. The Council of Governors are very concerned about the role of the Council of Regents. They did quite a little background paper and referred to the 1986 Pitman report recommending to the minister some revision of college system governance, and then they describe the amendments where the Council of Regents advisory and executive roles are: advises the minister on long-range policy and planning issues of a system-wide nature, appoints members to college boards, administers collective bargaining on behalf of the boards. Then they said that you had advised a clarity of the roles and they don't feel that clarity has been developed.

I think that's part of the problem and one of the reasons that there is, after listening to the presentations of the last two days, animosity, clear animosity. In spite of the good work that everybody's doing, there's a very difficult working relationship between the Council of Regents—you say we should be nurturing these bodies and I agree with you, but this committee is looking at problems and how we can solve them. I wondered if you've had an opportunity to look at the current role, and do you really think it is clear, given what we've heard from both the Council of Governors and the Council of Presidents.

Mr Pitman: I think what you're dealing with is a natural tension. That animosity comes out of a natural tension between what could be called a local community role, which you of all people would regard as being very important, and what could be called the provincial role, even a national role, because I think to some extent these are national treasures as well as being community treasures. There's going to be I think a high degree of sorting out.

My sense would be that over the last few years I think it would've been very difficult for the presidents or the governors to do what's being done, to have initiated CSAC. Whether in fact it's gone far enough now as a provincial thrust to put it into the communities, I'm not sure, because the effect of local pressures and local expectations is so great that in fact it's very hard for

these institutions to work cooperatively in spite of the work that ACAATO does which I think has been a splendid institution in terms of giving that opportunity to presidents and to governors.

As I say, the part that both of us are concerned about in terms of vocational education means involving the universities as well. That's the area where there's virtually nothing going on. I think I can say over the last year or two maybe something has happened with Con-nect and so on, and something is happening in the whole business of transfer, but for all the time I was—I think I'm the only person who spent time going to the presidents meetings of the colleges and also to COU.

At Ryerson we were sort of riding two horses at that time. Now it's a university and it's all done in one area, but the fact was I could never get them to sit down together. The last time was when the present Leader of the Opposition, as a minister of the crown, tried to bring the presidents of both institutions together. We had a day at the Park Plaza, but nothing happened from it. This has happened every two or three years. In other words, there is no institutional function; there's no secretariat; there's nothing that makes this happen.

Therefore, there's no way you can bring them in. The provincial role never gets expressed very effectively and therefore the fighting and animosity gets played out in the existing institutions. You have a situation here where the institution response is not sufficient to contain the kinds of pressures of global competition and a changing economy. Therefore, the animosity gets played out in trying to force fit and trying to get things to happen at the provincial level. When, in fact, these were set up 25 years ago—now I guess it's nearly 30 years ago—the world was so very different.

In fact, if we were setting them up again now, surely we would set them up as degree-granting institutions so they could grant their own degrees in the vocational area, as opposed to having to go to the university to get the degree to be granted because of the work being done in the college. That's the worse of all possible worlds, surely.

Mrs Cunningham: The greatest support for your statement comes from the students themselves, especially the students who have travelled. If you live in British Columbia you get a degree if you go to a community college.

Mr Pitman: Yes. You go from a CEGEP up to a university for a year in Quebec.

Mrs Cunningham: Exactly. It's a joke. On either side of our province—I know my own children have friends and they themselves have travelled; they think it's a joke. They think we're a backwater. They can't understand where the leadership is. You can imagine. I really like your words.

The one piece, though, that I'd like to underline is—I don't think anybody really believes this, but I know where you're coming from—"If Ontario and Canada are to compete—and just as important, if citizens of the jurisdictions are going to survive in a world in which lifelong learning may replace lifelong employment as the

central activity of a satisfying lifestyle"—because that's what we really want. It's happening now. There's very little respect for it, but it's happening—

Mr Pitman: Young people are doing it with their feet.

Mrs Cunningham: And middle-aged people are doing it as an alternative lifestyle, a sense of satisfaction. I used to say the most important social welfare program was employment. I still believe that, because people want to make money to be able to support their families. I also think that where that's not possible, then the education is a very close second. But the coordinated activity is essential.

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You say—and I'm going to go on further here—"To do this, there will have to be an institutional response."

I would say you haven't gone far enough. I think we need government leadership. It's got to be mandated, "This is it and this is how long you've got to do it." I would go that far if I had the opportunity, because I think both of us have just waited too long for common sense to prevail, and the young people are not going to put up with it. What do you think?

Mr Pitman: I think that was the way the task force came to the conclusion. We had a terrible time dealing with this because we realized—and this committee perhaps in a sense is the response of the public to more and more agencies being created. We came to the conclusion that there had to be some further agency that would coordinate what's going on at the colleges and the universities and, particularly, an opportunity for the private sector to become involved right at the very centre of the educational system as opposed to simply having to come and argue the case for things being done in colleges and universities. I think that's why we came to the conclusion that there had to be some kind of institutional reaction and response, which might even mean another agency.

Mrs Cunningham: On the issue of agencies, I think it's fine to create another agency as long as you don't maintain the same number. In education alone, when we were looking at the creation of the parent council, in our research we found out that there were over 40 parent advisory committees to the Ministry of Education now; and now we created a parent council. I think that's fine, as long as you take a look at your advisory committees and say: "Who do I still need? What's still useful?"

The public would like that kind of an approach, but people don't do that, because it's tough. Everybody wants to blame somebody else.

Mr Pitman: So you add on.

Mrs Cunningham: You just keep adding on. Every level of government does the same thing: school boards, municipalities, provincial governments, government of Canada. You take a look at the boards and agencies, they pay people who are particularly willing to give of their own time.

We've got a society of experts who are retiring early, who want to be useful in some way and already have government pensions, are not asking for a second salary—but as long as they're respected, and they should be,

because they've got the experience; they've been there. Anyway, we don't take advantage of those kinds of things.

I think there has to be a brand-new mindset of governance, the way we govern. Certainly, what you're recommending here is not new. It's about 25 years old, some of it.

Mr Pitman: I think I quoted it over 25 years ago—

Mrs Cunningham: You did. It's still relevant and it hasn't happened and I don't know why. I know we would have to make it happen if we were the government. That's why I ran, of course, thinking that in opposition if you gave government good recommendations it would follow them. In some instances, they have, but it's awfully slow.

I did want to ask you your opinion. I know that Dalton has already done this, but the collective bargaining, the individual, I had mixed feelings about this because my background is collective bargaining at a school board level, where I did believe in individual bargaining with each school board, and I think it's paid off very well and the track record has been reasonable.

But we have asked for a review of Bill 100. We asked for that about five years ago, because there are pieces of it that I think could be improved upon, and nobody ever wants to do that because it might create some controversy.

I was interested in your point of view because we did have a couple of the college presidents recommend that they would like to see local bargaining.

Mr Pitman: I think it's got such a long history. I was sitting in the House when the bill was put forward that virtually created a provincial employees association.

Mrs Cunningham: Really.

Mr Pitman: I remember it was Charlie MacNaughton who was presenting the bill. I remember yelling across the—

Mrs Cunningham: A Conservative presented the bill?

Mr Pitman: Indeed, he did.

Mrs Cunningham: My goodness. What a long memory some people have.

Mr Pitman: I said: "This is out of any context, this is out of any relationship to collective bargaining and any other area of education. Each university does its own bargaining, every school board does its own bargaining. What you are doing is doing this on a provincial basis." I said, "I think you'll live to regret this." Of course, at that time they thought they were setting up what was really a very nice, easy kind of collective bargaining unit that would certainly not be militant.

Well, of course what happened was that this bargaining unit became more and more militant, and rightly so, protecting their members in a very effective fashion.

So I don't know whether you can reverse 25 years of history in this kind of context, because that's exactly where it all began. At least I've never heard it expressed by any collectivity, for instance, that they want to do this; maybe one or two of them. In fact, I remember when I suggested it I got a round lecture by one or two of them

who said that they didn't want to spend all of their time carrying on negotiations in their colleges; they had other things to do with their time.

Well, that's one view, and of course I think at that time the union representing the faculty certainly indicated that it certainly didn't want to have to try and man—or human, I should say—23 different units all across the province. So with reduced resources, it becomes more and more of a problem.

Mrs Cunningham: Yes. I don't think there's an easy answer to it. I do have to say, though, in defence that they also set up collective bargaining for individual school boards almost at the same time, so they maybe were trying both approaches in Ontario. But they did set up the collective bargaining process. I like to say that every once in a while with this government, because it thinks it has a monopoly on these kinds of things. But anyway, that's beside the point.

The Chair: Thank you.

Mrs Cunningham: Is that time up?

The Chair: I'm afraid it is.

Mr Daniel Waters (Muskoka-Georgian Bay): Just on what Ms Cunningham was saying about the collective bargaining, because I remember asking the question, they didn't want total collective bargaining at the local, just their local issues.

Mr Pitman: Some parts of it, yes.

Mr Waters: They wanted to pick and choose what they wanted to negotiate and what should be done provincially.

Mrs Cunningham: Who was "they"?

Mr Waters: That was yesterday afternoon. It would be the Council of Presidents.

Mrs Cunningham: Oh, yes.

Mr Waters: They were very clear that they did not want all of it, they just wanted a little bit of it.

But I couldn't agree with you more, Ms Cunningham, on apprenticeships. I really hook apprenticeships to OTAB. I can remember a lot of discussion in our caucus as we were coming forward with OTAB. I was one of those people who stood up and said: "I don't want this to be run by the colleges and the universities, because we will not see apprenticeships if it is. The history of those two groups is non-apprenticeship."

I find it very difficult that in our society here in North America we don't value those skills, yet all of our employer groups certainly do, because they bring them in from Europe on a monthly and weekly basis even during this recession. I came out of industry. I can remember the day when my plant manager found out that his machinist made as much as he did the year before. He was somewhat shocked, and in any other society they are.

So I would support apprenticeship programs and co-op programs and indeed OTAB very much. I'm hopeful because the user group, the industries, the people who want the education or the training through OTAB, the employer groups, have more say on it than the formal education groups, and I think that that's important for a change. I'd like your comment, how you feel about it.

Mr Pitman: Well, I agree with both your comments on apprenticeship and involvement of young people. I think the point you made was that many young people at that age are not really learning very effectively. It's even been suggested that possibly what they should do is send them to cooperative programs run by the colleges and the private sector. But I think it's very difficult for many young people to feel academically motivated at that age.

It seems to me that the one economy—and you have to be very careful looking at international education and try to pick and choose things that you want to include—that's closest to what we need in Ontario is Germany. For a long time we followed on the Japanese, but I thought, "Why in heaven would we ever think that we could incorporate, from a culture which is so different, an educational system into Ontario that would be appropriate to Japan?" It just seemed insane. But I think the German system is far more relevant to what we're trying to achieve.

Someone said that young people at 14 and 15 are hormonally challenged. I think many of them are very hormonally challenged, and they need to be out doing things in the workplace. But at the same time, they need to be connected to the ongoing educational system. That seems to be the important thing about apprenticeship and about cooperative education.

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Mr Waters: The other thing we talked very much about through this was the prior learning assessment. I heard Mr McGuinty and Ms Cunningham both talk about lifelong learning. In fact, to me, being in this room today with you I'm learning, and I think we all are. Indeed, I think very much the mood of colleges to prior learning assessment is that learning, being out there in society and being an active part of society, whether it be your personal hours that you commit to your community or your interests or indeed your work, the interaction becomes so vital to assessing the skills and abilities of that person when they come to formal education. I'm wanting your comment.

Mr Pitman: Absolutely. I think we've got to stop using the word "education" so much and talk about learning, because education seems to be tied to classrooms and certificates and the formal, you might say, structures that really are now—I mean, these structures were developed in an agricultural society; they were developed mostly in the 19th century. This is why the colleges are so important; they come in the 20th century. It took a long time to get them in Ontario, because they existed in other places decades before we even got into this area, and we never did get into the area, as I say, of a higher level.

What really puts me off is that young people in Ontario graduate from these colleges, and years ago at Ryerson, and have to go to the United States to get a degree and then come back to Ontario. Now, for Ontario to call itself an industrial society and sort of the centre of Canadian industrial life and to have that as the way in which you finish off your education, it seems to me just unbelievable.

Mr Waters: Two very quick questions, and then I'm

going to turn it over to two of my colleagues who also want on the list. I think Mr Tibbits yesterday said that he felt the board of governors, there should be more local—instead of looking, as CSAC is, at the provincial or the world, he was saying, "No, no, the colleges should be on a more local needs basis."

In other words, if industry A dominates your community, the college should be definitely training people for that industry. That's the opinion that I got out of what he said. He wanted to do the training locally. I have difficulty with that.

Mr Pitman: I have difficulty with it too, because I think that if you take a look at where the graduates go—here again you're harking back to 25 years ago. When they were set up, they were set up as community colleges, and the early expectation was, we don't have residences; they're all going to be kids in that community. They were going to come from the high schools in that community, and they would in a sense be dealt with by the advisory committees and people from the industries in that community. Wonderful. That's back in the 1970s.

We're now in the 1990s, and we're moving very quickly into a global situation, where these kids are going to be working in Europe, they're going to be working on the Pacific Rim, they're going to be working all over the world. I think it's important to have a local presence. I wouldn't suggest that we simply make it that they just simply all have people from every other part of the world than the local community, but I think there's got to be a balance, and it's maintaining that balance that's going to be the success of the colleges and the Ontario economy too.

Mr Waters: On that same train—because I didn't like the idea of it being brought down to just the locals—we also heard from the presidents and the governors yesterday that CSAC should be under ACAATO. First off, yesterday, the presidents agreed that they're not part of the management structure, that they are indeed a professional organization, the same as the Canadian Manufacturers' Association is to that segment of our lifestyle. Do you support that type of group running CSAC or do you think that it should stay under the Council of Regents?

Mr Pitman: I'm not sure that I'd want to, in a sense, just sort of manipulate around CSAC. Now that CSAC is established and the process is now in place and everything seems to be moving ahead, my preference would be to keep it, in a sense, arm's length both from the Council of Regents as it is and from ACAATO and from government, and find ways to get more involvement of CSAC with the universities and especially with private industry. Whatever process would allow that, it seems to me, would be the one that I would certainly be supportive of.

Mr Waters: Thank you, Mr Pitman. It was a great pleasure.

Ms Carter: I really want to welcome you here, Walter—

Mr Pitman: Thank you very much indeed.

Ms Carter: —because although you haven't resided

in Peterborough for quite some time now, we still feel that you're one of ours.

Mr Pitman: Well, I was there last night.

Ms Carter: Yes, and I'm sorry I couldn't be there. I certainly welcome your vision of coordination. It is inspiring to have a presentation that does have a wider view and more philosophical content. It seems to me that we should be able to combine general academic and vocational skills in one person, that there shouldn't be the boundaries that you either come into one category or you don't.

Apparently, these days even employers are saying that vocational education is not just what they need, that they need flexibility, they need people who have those wider skills that allow them to move from one job to another and to be helpful, if you like, in a wider way. I understand also that the MBA is not considered quite so highly as it used to be. So I wonder what you have to say about that.

Mr Pitman: Absolutely, I couldn't agree more. I think the importance of general education can't be overstated. Several years ago, 25 years to be exact, a little book was written called *Small is Beautiful*. The man who wrote that book, and in a sense set the stage for the sustainable development concept which the Brundtland report came forward with, said that we have to have technology with a human face. We've had too much technology which has been based simply on numbers and on data and on a very, very mechanistic view of humanity. I think we need no more of those kinds of people.

Ms Carter: What about the elements in society that work against education? Nothing ever seems to get said about that. But as somebody who's raised children and now has grandchildren coming up, I see so many problems, you know, content of TV. Computers work both ways. They can be positive; they can be very negative too, and they can keep kids away from other things. Don't we need to consider those things as well?

Mr Pitman: Yes, we certainly do, and I don't know how you get at that. There's so much in our society which is, you might say, detrimental to human development. Television, I guess, is a good example that you've just mentioned. We virtually handed that whole process over to the marketplace. It is in the hands of the marketplace, and what we receive on our television sets is very often—thank heaven we're moving into a multichannelled society where now at least there will be more options, as opposed to American sitcoms. But the fact still is that most people spend their time watching American sitcoms. So I think that's one of the devastating aspects of our society which is quite depressing on occasion.

Ms Carter: So we're trying to spend money on doing the positive things and we're being undermined all the time.

Just one very nitty-gritty question. We did hear yesterday from the presidents and the governors groups that came in that the College Standards and Accreditation Council belongs to ACAATO; that that's where it should be, rather than with the Council of Regents.

Mr Pitman: I'm not sure whether ACAATO wants it,

to begin with. As I said previously, I think that may well be now that it's in place. Let's take this point of view: If the Council of Regents and Vision 2000 had not taken place, we would not have CSAC. In other words, it did not arise from ACAATO from the beginning.

As I say, I see very positive things happening in ACAATO, but I think in many ways it's very difficult for the leaders of 23 very different, locally based and very dynamic institutions to bring about that kind of change which means that in fact as a history teacher in Sir Sandford Fleming I'm bloody well not going to be able to teach the Canadian Constitution; I've got to teach something else. Now, that's a terrible example, but the point is that I think those are the things that happen in the staff rooms of the colleges which don't get talked about perhaps in a committee like this. But it's important because that's what in fact a real teacher is: It's someone who cares so deeply and so passionately about what they're doing that everything else that's being done really has to be second rate.

The Chair: We are out of time. We appreciate very much your appearance before the committee, Mr Pitman.

Mr Pitman: I enjoyed it. Thank you very much. It's good to see you all again.

The Chair: The committee stands recessed until 2 o'clock this afternoon.

The committee recessed from 1201 to 1408.

The Acting Chair (Mr Robert W. Runciman): At the outset, I'm going to recognize the member from Grey.

Mr Bill Murdoch (Grey-Owen Sound): I have some questions I'd like to table.

The Acting Chair: Thank you very much.

CHARLES PASCAL

The Acting Chair: Our first witness this afternoon is Charles Pascal, Deputy Minister of Education and Training, but here because of his past experiences in respect to the Council of Regents. Mr Pascal, welcome to the committee. We appreciate you taking the time to be here. We've set aside about half an hour for your comments and hopefully some questions as well.

Dr Charles Pascal: I'm very delighted to be here. I come here with very little hair but, as you've implied, several hats: as a former college president and chair of the Council of Regents for a number of years and more recently as Deputy Minister of Education and Training.

I'm also pleased to be here simply because when Mr Davis introduced the legislation for the Ontario college system on May 21, 1965, he introduced along with it one of the great success stories of education anywhere in the world. I think all members would agree with the tremendous legacy of the now 25 colleges of applied arts and technology in Ontario.

Because you have, I am sure, many issues of concern to you and because Minister Cooke tabled an answer to the questions posed by the clerk a few months ago, I would be very pleased to move directly into questions rather than taking up time for me to give my views of the issues of today or the issues as they played out when I was chair of the Council of Regents. I would just as soon

make what is a very small amount of time fully available to members, if that's acceptable.

The Acting Chair: Fine. Any member ready to proceed at this point?

Mr Waters: I'm more than willing. Mr Pascal, it's nice to see you here. I know you are very busy.

Yesterday it was brought forward by some of the opposition members about the problems at Conestoga, I guess, where indeed the present Council of Regents did not necessarily take the pick of the college for the board of governors. Earlier in the week, when we had the Council of Regents here, someone from that group, and I can't remember exactly who, said this is not the first that had happened. Looking back at your history, on your time on the Council of Regents, did you ever have that same problem come forward, and how did you handle it?

Dr Pascal: First of all, the short answer is yes. I experienced that as a former president and also as an ex officio member of that board in Peterborough, Ontario, Lindsay, Haliburton and Cobourg, Sir Sandford Fleming.

The Council of Regents has the executive authority to appoint members to the board. Out of regulatory convention over the years there has developed an implicit process of partnership in terms of how that process should work. In my day—and I sound older than my recently achieved 50 years—when I was chair of the Council of Regents, I think our track record was that about 90% to 92% of all the names submitted by local boards were accepted by the council, but there were exceptions made.

When I reported to Lyn McLeod, we developed in that time a local protocol so that boards would provide a profile of their communities. In the context of vacancies, they would match the nominees with the profile and they would also submit the consultative process they used. I think that's pretty much still in place. But as chair of the Council of Regents for about five years, there were instances where the match between what was expected in terms of process—the nominees submitted and the nominees chosen were just so out of sync that on occasion the council would make decisions that were contrary to the nominations.

But every effort was made, and I have to assume that's still the case, to ensure that open communications were there such that there never was a surprise. For example, I recall many instances where there was a difference of opinion, but we established in around 1987 or 1988 the concept of a college liaison team where individual members of the council would become kind of experts in the local affairs and issues of a particular college or set of colleges in order to try to resolve all differences. However, on occasion major differences would arise and the council would use its executive authority.

The last thing I did as chair of the council was to give information to a particular college that none of its nominees was acceptable. This was after a period of about five or six years of attempted resolution to issues of making sure the nominees matched the local community. After every attempt was made to try to ensure the kind of independence, the kind of community-based input that was required and the kind of representation that

should be there for a college of applied arts and technology, in fact we did impose names that came from other sources than the college.

That was the only time during my tenure where the council finally, out of basically a commitment to the people of the region of this particular college, reached for a higher good and decided to exercise its rightful executive authority, obviously seen by that local college as belligerence or abuse of power. Quite the contrary: In my own experience, that particular case study was the exception that proves the rule.

I haven't paid a lot of direct attention to the issues arising from Conestoga, but the kind of tension that comes out of the need for independence, community-based representation, sometimes will generate problems, and every effort should be made by all parties to resolve this without conducting campaigns apart from tables where reasonable people should be able to come up with a solution. When I was a college president, these issues arose from time to time, but not very often.

Mr Waters: The hearings so far seem to be dominated by CSAC. You have some expertise that very, very few people have, because it's my understanding that you actually quarterbacked Vision 2000, out of which CSAC came. There's been a lot of discussion by the governors and the presidents that it should go to ACAATO as the management group that CSAC reports to. Personally, I have some problems with that and I'd like your opinion on that. Also, while we're on CSAC, if you were to do a value-for-money audit, which I'm not suggesting we do, but if you were to look at it, are we getting good value for our money from CSAC?

Dr Pascal: The answer to your last question is that I don't know. I assume we will, that the concept is alive and well and that in fact we will be able to answer that question in a very thorough and positive fashion, but at this point in time we are looking at the maturing of an idea which was put together just a few years ago.

Just for the record, you made reference to me as quarterback. My role, as chair of the steering committee, was basically to turn on the lights and provide some resources. This was a bit of an experiment in power-sharing and partnership policy development that involved probably about 3,500 people who got to yes on this concept called CSAC.

CSAC, as you know, if it has dominated your discussions in the last couple of days—I just came in from Charlottetown so I've not listened in on your conversations. CSAC is a really important concept in the evolution of the colleges, a very strong outcomes, standards, accreditation, orientation to quality, which was approved of by literally hundreds and thousands of the partners. It was the first time that the management of the system and the union of the system agreed on anything major and substantive other than to agree to stay away from common tables unless they had to do with collective bargaining.

Putting CSAC over with the Council of Regents is kind of arbitrary. CSAC needs to be independent of the system, but it also has to have all the partners, both within the system and outside, including business and

industry and labour. As such, because the Ministry of Colleges and Universities Act wasn't robust enough to have a placeholder where CSAC could be put in with the ministry at that time, it was decided that it could have a kind of independent—I almost said sovereignty-associated—relationship with the Council of Regents as a place to put it. If the MCU Act was robust enough, it could have gone in that direction.

To place it with ACAATO? I suppose there's lots of possibilities when one says it's arbitrary, but ACAATO does not exist legislatively, in regulation. It is a very good and important professional organization that has lots of useful things to do, especially when it comes to human resource issues related to collective bargaining. The council learned years ago to involve more actively the front-line board chairs and presidents in the process of collective bargaining.

The Acting Chair: Mr Pascal, we'll have to leave it there. We've gone over our time for the government members.

1420

Mr McGuinty: Welcome to the committee, Charles. Your comment at the outset about your hair reminds me of something my dad used to say. He would compare the head to the path on a forest floor: The more use each received, the less growth there was. So take some consolation in that.

I want to ask you about the approach to collective bargaining. The Council of Regents and the existing process that's available: Is that our best option? The presidents are recommending that we move to an employers' association, and I think Mr Waters ferreted out a bit more. They were prepared to accept that perhaps there are some issues, rather than all the issues, that could be best dealt with locally, on a more local level, than others. I just want to get your views on that.

Dr Pascal: When I was a college president, I was totally in favour of local bargaining. When I was chair of the Council of Regents reporting to Mrs McLeod, there was lots of dialogue around the notion of an employers' association; that is, if we were going to stay with centralized bargaining it was important to ensure that those who negotiate the collective agreement implement and vice versa, so that there's ownership, which is really a terribly important principle. Now that I'm deputy minister, of course I have no official opinion about whether we should depart from province-wide bargaining.

I can simply say that the system, with lots of pain and disruption, I think has gotten more effective over the years, and I expect it to stay system-wide. Whenever the issue of system-wide versus local bargaining takes place, you'll find about half of the college presidents in favour of it and half of them against it. It was always very difficult to get the collective to agree with one direction or another. The notion of continuing to think about an employers' association is very much a legitimate policy option.

Mr McGuinty: The governors in particular indicated that there was a lack of trust between the college boards and the Council of Regents, and that has manifested

itself, according to them, through lack of communication; maybe it reached its peak over the governance issue. That cannot help but have a corrosive effect, ultimately, on the quality of education we offer at our colleges. You were there on the Council of Regents. How do you assess the situation here? There's undoubtedly going to be a certain level of tension, there's going to be that dynamic, and in the long run that's probably a healthy thing. But is this level of tension or distrust, to use their words, this lack of trust, acceptable?

Dr Pascal: I would first of all agree entirely with the last part of your statement that there is inevitably going to be a certain amount of dynamic tension. As a matter of fact, Mr Davis and Mr Sisco and the two Jacksons and others who were the founding architects of the Ontario college system in the mid-1960s talked about building in by design a dynamic tension among and between the Council of Regents, the ministry of the day and the system itself, that that would serve the college system's growth and development quite well. I certainly would agree with their vision.

I really am uncomfortable—I mean, I have read and heard statements in our clippings service, which was set up a long time ago and still serves us all quite well. That kind of public debate, which I think sometimes is substantive and sometimes is about personalities, doesn't serve a system which, as I said earlier, deserves to be celebrated on every street corner and in every neighbourhood in this province.

To the extent that a mistrust exists, and it's not based solely on substantive matters, sure, it can cause problems. Wherever mistrust exists, it's up to the parties—and we're talking about two other legs of the stool of that tripartite system I've described—to resolve their trust and issues, if they perceive each other to have a problem.

I'm not comfortable describing who ought to take the lead and where the fault lies. I just think there was a consultation that was going on. Minister Cooke and I look forward to seeing what the Council of Regents advises with respect to the governance issues. We haven't seen the papers yet and it's really important for us to not overreact to others' versions of who said what to whom under what circumstances in terms of those issues. For my part, I look forward to seeing the output. That's what's important to me, and I think issues of trust and personalities have to be resolved elsewhere.

Mr McGuinty: On that issue of the governance paper, the council's to come up with some recommendations. They have not yet made those recommendations. Is that correct?

Dr Pascal: That's right.

Mr McGuinty: What will the procedure be once those are made? Will they be made public?

Dr Pascal: The short answer is that I don't know. The minister will make that decision. This is a minister who is quite open about decision-making and I would expect that, in some manner or other, he would receive the report and certainly want to ensure that the stakeholders who have various views on the issues would have an opportunity to see what recommendations would come

forth. How open that process would be, in terms of whether it would be tabled with the public or some kind of further consultation with the parties, I know not; the minister hasn't decided that as yet.

Mr McGuinty: Just to go on the record, I had addressed the issue. I wrote a brief little paper called *Choosing College Governors: Why We Shouldn't Use Quotas*. I provided you with a copy of that, and the minister as well and the people of the council. I think the way the minister dealt with the appointment of people in corresponding positions at our universities and university governing bodies was a very good way to handle it and quite distinct from the way in which the discussion paper released by the Council of Regents, I guess a discussion paper more properly than a proposal, generated a lot of controversy. I'm sure that has been recognized. The colleges, virtually unanimously—I understand there was one holdout—rejected the idea that we ought to move towards a quota system.

The Acting Chair: Would you move to your question, Mr McGuinty, please?

Mr McGuinty: I just wanted to make that comment.

The Acting Chair: You've got a little less than a minute to respond.

Dr Pascal: I very much appreciate the member's comments about the university system. We hope it will work as well as some of the early reforms to representation worked in the colleges as a result of the changes that were made around 1987 to 1989, that period, with the college boards, because there is far greater representation now on the college boards than there was then.

With respect to whether or not the minister, as a result of whatever advice he does get to the issue, wishes to alter, improve or just maintain the current system, it is up to him at this point, and since we haven't received the advice, it's obviously too premature for me to comment on what he might or should do.

Mrs Cunningham: Welcome. You didn't make any opening remarks, I'm told.

Dr Pascal: It's part of my professional development improvement plan.

Mrs Cunningham: I was going to say this is the new you. We'll see.

Council of Governors' Response to COR Governance Review: That was the paper that was put forward and sent to the Council of Regents, and now the Council of Regents is going to be making recommendations to the minister. Do you know what I found out during these hearings? That people in really important positions just don't talk enough to each other. Simple little things in life, huh?

1430

I asked if they had a response from the Council of Regents to their submission, and they didn't. I just find it hard to believe that somebody wouldn't pick up the phone and say, "This is interesting. What did you mean by this?" or whatever. You know, like I do with you sometimes.

I just think a lot of the things that we're talking about,

the biggest problems we've got, are very poor communication. Mr Johnston and I have always been very respectful of each other over the years. He got really annoyed when I accused him of empire-building. That wouldn't worry you, but it sure worried him. One of the reasons that I did that is because the Council of Regents has taken on a lot of new roles that were really rather controversial, and I can be very specific: CSAC and the prior learning assessment. There were arguments as to where they should be.

It was interesting today to hear one of all of our former colleagues in one way or another, Walter Pitman, say, "But you know, those are arms's-length bodies from the Council of Regents." He's probably right. Certainly, that was what CSAC said and that's what Richard Johnston said, but that wasn't the perception on behalf of the colleges and the boards. Maybe it happened too quickly or it wasn't explained.

In the research that was put forward to all of us, if we had read what we read and what was available to us by our researcher, Mr Pond—and we all have to be very careful when we take him on because he's extremely non-partisan and very thorough—on page 8 of our research service you'll notice that the base budget doesn't change much for the College of Regents from 1991-92 to 1994-95 except that for some reason the government added human resources to its budget, which doesn't help the perception, and I don't think they like it.

Dr Pascal: I'm familiar with—

Mrs Cunningham: With this table?

Dr Pascal: Familiar with the issues.

Mrs Cunningham: Oh good, okay. So you add human resources, and even Richard Johnston laughed about that because he doesn't want it. CSAC and the prior learning assessment, if they're arm's-length, and it looks like they probably are, are added into the budget. In the last four years we've got a budget going from \$1.5 million to \$2.7 million at a time when everybody else is being asked to spend less money and to do things more efficiently. People don't like bureaucracies that are growing when on the front lines more students are in our colleges and the colleges have fewer resources to do the work. I blame the ministry. I thought you might like to tell me why I should or should not blame the ministry.

Dr Pascal: Okay. Thank you very much. I'm very pleased to respond. I guess the first thing I would say is that the Council of Presidents' submission to this committee, which I read on a plane last night, praised Vision 2000 for both process and product. The recommendations with respect to PLA and CSAC, which are two of the most important issues that the 3,500 stakeholders came to grips with, that was all signed off on by all the stakeholders, including the many college presidents and union leaders who were on the steering committee for Vision 2000.

There should be fairly widespread support for the importance of ensuring that when you spend a billion or so dollars on a system, being tough on outcomes and quality and accreditations is pretty important. The idea of CSAC I think everybody would agree is important. PLA

is really designed to save the taxpayers lots of money, because it's about time, as we construct together a seamless system of lifelong learning, that people get credit for what they already know. PLA has received absolutely precious little research and experimentation in Canada, and Ontario wants to make a difference in that regard. Those two initiatives are extremely important.

As I said earlier, the location of those at the council is somewhat arbitrary. They could be located elsewhere. The most important thing, as I said about CSAC earlier, is that they retain some independence. I agree with Mrs Cunningham about perception, that for us to make sure that when we shift over things, functions, and a council evolves and does other things that it's asked to do by the minister of the day, maybe a better job is done with respect to what piece went where.

All the presidents would know quite clearly what was up and how it was done, and there should be absolutely no surprises. The human resource function coming from the ministry to the council is about collective bargaining.

Mrs Cunningham: Nobody even spoke about that.

Dr Pascal: That's fairly mundane, but it's about \$400,000 worth of a shift from the ministry. Of the stakeholders being called here, most of them signed off on all of these things and most of them should know who's doing what, where and under what financial accountability mechanisms, when it was done and why it was done. I think, if I can offer a personal opinion, that because there's been a major disagreement with respect to some stakeholders on the governance issue as part of that consultation paper, other things have had a lightning rod effect in terms of the debate. I don't want to get into the debate those other parties have had because, again, my minister is waiting for the final recommendations from council on governance.

Mrs Cunningham: I go back to the communication issue on that one. I think the people should have been talking to each other before they advised the minister; I just think it's not good that they haven't. They might do it before they advise them, if they've been listening to some of us around this table with questions on the importance of communication.

Back to the other issue, you could be correct in that people were a little annoyed about the governance issue, but I really did see the Council of Presidents speaking quite separately to an issue which they referred to as operations. They were very concerned about the council being involved in academic operations, and they referred to those as CSAC and PLA, but they simply said they have caused some concern, notwithstanding the good intentions and the extraordinary efforts. There's a lot of respect. Your statement was more than correct in that everybody agrees these things should happen, but they did make, I think, an interesting comment.

They said the Council of Presidents believes that operational issues should be handled by individual colleges or, when system-wide in nature, within the ACAATO structure. They may be incorrect but they're saying they don't like where it is, so I don't know. You might say that they said consideration should be given to incorporating the College Standards and Accreditation Council and

the prior learning assessment secretariat within the existing college structures.

The Acting Chair: Your time is almost up. If you have a question, you'd better pose it.

Mrs Cunningham: Do you think that could happen?

Dr Pascal: Again, as I said earlier, the location is at one level arbitrary and it's because the Ministry of Colleges and Universities Act didn't allow for it to lie resident within the ministry portfolio. One could look at that again, but what's important is that CSAC have a very strong measure of independence. I don't know whether you're meeting with the representatives of CSAC. I hope they feel as though they've got a strong measure of independence. They should. It's really important. You can't have an accountability mechanism which is owned and operated totally by the system itself.

ACAATO, as I said earlier, is a really important professional development organization, but it's a voluntary association which does not exist in regulation or legislation. It's there, it's important and it could have an increasingly important role in the area of collective bargaining and human resource issues, but when it comes to accountability for program outcomes, that wouldn't necessarily be where I would place it.

The Acting Chair: Thank you, Dr Pascal, we appreciate your being here and your contribution to the committee deliberations.

1440

BEV MARSHMAN

The Acting Chair: Our next witness is Bev Marshman. Welcome to the committee. Ms Marshman is a former member of the Ontario Council of Regents for CAATs and will impart some of her experiences for the committee's benefit. We appreciate your being here and we've set aside one half-hour. If possible, perhaps you could allow some time for questions. Please proceed.

Dr Bev Marshman: Oh yes, I'll try very hard to do that.

Your invitation didn't mention cameras. I think I'd rather face 100 engineering students than one camera, so maybe you can take that into account.

Mr Bradley: Are there cameras in here?

Ms Carter: You're on television.

Mrs Cunningham: You'll be great.

Dr Marshman: No.

I was recruited for council by Charles Pascal, to whom you just spoke, in 1987, late in the fall. He was looking for someone from a university background who also had a strong interest in education and he thought that I fit the bill. I also suspect that the fact that I happened to be female and fit his qualifications was a help, because he was looking very hard for gender equity at that time, although I suspect that from time to time, when he dealt with Penny and Laura and Jacqueline and Louise and me in one room at one time, he maybe had second thoughts about that. But it was a great group. I served from January 1, 1988, to December 31, 1993, through some very active years in council.

I think I'll skip through the first part. I understand

from the schedule, which I didn't have when I made these comments, that you've been PLAed and CSACed enough today, so we'll go on to my principal contribution to the work of council, which was in the area of governance.

I started on governance almost as soon as I started on council and I chaired the governance committee from mid-1989 till the very end of my term, a total of four and a half years. The governance committee, of course, is a standing committee of council and its primary responsibility is to recommend the board appointments to the council as a whole, which has the authority to do the appointments.

What I'm trying to do here is to condense five and a half years into 15 minutes. As you can probably appreciate, that was tough to do. I'm just going to hit the highlights.

The first part of my presentation is just a little bit of history to put things into a context. Council has always had the responsibility of appointing the boards of governors. However, it has changed how it has done that over the years. Just to give a little bit of perhaps a comparison, in the 1970s the boards each submitted three nominees per vacancy to the council. There was very, very brief documentation, just a simple one-page application which in fact did not give a lot of detail about the people involved. There was one labour representative required and four members chosen by municipal governments.

Just before I started on council in 1987 and then through 1988, the first year I was on council, the college board appointment review committee developed the model for appointment of external members. I understand you have a copy of that within some of your documentation. I just appended a very, very brief summary so I could refer to the things I wanted from it. That college board appointment review committee had representation from a very wide set of stakeholders, including the council, the then Ministry of Colleges and Universities, ACAATO, the Council for Franco-Ontarian Education, the Ontario women's directorate and the multiculturalism and citizenship council. It was a very broad-based revision that went on.

The main innovation is the protocol which helps the boards to link their nominees' qualifications to the identified board needs, as well as to establish a process for identifying candidates from a broad spectrum of the community. It also dropped the four municipal seats and changed a little bit the way the labour rep was chosen, because that had no structure to it. It spelled out that the labour rep would be chosen in consultation with the local labour councils, with some input as well from the Ontario Federation of Labour. This model was approved in 1989 officially, but it was actually used from mid-1988 onward in our board appointments.

Also in 1988, council liaison teams were created for each college. This was to assist in communication with the boards and the council.

In 1989, we adopted the "n plus two" rule. I should explain what that means. If a college had "n" vacancies in any given year, then what they had to do was to

submit "n plus two" names. The exception we made to this was always that if there was only one vacancy, two names were enough.

Although some colleges do rank their nominees, we have an understanding that all the candidates submitted have qualifications which fulfil our dual purposes and the board's dual purposes of achieving their goals and providing balanced representation.

Council itself, as you may know, now uses a parallel process for selecting its own members. We submit more candidates than vacancies to the ministry. They select, and then I believe they also are interviewed by the public appointments committee of the Legislature. So there is again a fairly strong parallel between the two.

In 1991 to 1993, we did a sequence of things in response to a directive from Richard Allen, who in 1991 requested that we seek ways to further enhance the diversity on college boards.

In 1991-92, we went to the various regions and held fairly substantial-sized regional meetings with all the stakeholders from that region, including boards, staff, students and faculty, and we invited them to discuss any governance issues at that time that they wished to discuss with us.

In 1992, the council convened a special meeting with just the governors to talk about ways that we could somehow collect data on representation, which is not a particularly easy thing to do.

In 1993, in our May-June round of appointments, we actually for the first time adopted a self-identification form as part of the 1993 submissions. I believe you received a submission from the council on Monday that will give you a flavour of what the data are used for. They're broken down into economic sector, knowledge and skills in a variety of areas and the ethnic, linguistic, racial and visible minority groups, so that you can keep track of the various numbers.

I thought at this point perhaps we should just see where this led. Generally speaking, there have been substantial changes in the nature of boards over the period from 1988 until the present. Despite the fact that actually a very few boards claimed from time to time that they couldn't find a good woman candidate or that seeking nominees from visible minorities or the disabled would necessarily mean that somehow they had to trade off merit in their candidates for representativeness, in actual fact the vast majority of the boards have participated not only willingly but extremely skilfully and very successfully in the quest that we've been on for representativeness. I think they genuinely understand and perceive, as the council does, that the breadth and perspective they get from that added talent only enhances their boards.

As a result of their efforts, and it has been their efforts, the boards have achieved gender parity; more than 75% of the boards have an aboriginal rep, which I think is typical of colleges' response to aboriginal needs; visible minority and ethnic representation has increased markedly since 1988. Again, you can appeal to your own stats if you want actual specific numbers for that. About half of

the boards have a governor who self-identifies as a person with a disability. So while it's true that we do have a long way to go, I think college boards in fact are among the most reflective of their local communities and among the most effective of such bodies.

1450

When I spoke with the clerk about this meeting, the one thing she did ask me was that I spend some time telling you how the governance committee actually does what it does, so here in a nutshell is how we did it, at least while I was the chair:

—Monthly meetings occur the night before the main council meeting.

—The membership on the governance committee always included at least one former college board member. We considered this vital to our discussions so there was a direct link to someone with experience. Council itself in fact always has, or did in my term, three to six such people, again for exactly the same reason, to make sure there were a substantial number of people around who could give you input from their point of view, and of course the chair also served on the governance committee.

—We also were open, in the sense that if other council members were around they often sat in and sometimes the odd board chair or governor would come as well.

—The members prepared for the meetings by reading protocols beforehand and attempting to summarize their thoughts. We have actually eventually developed special forms for this particular purpose because there was just so much information to try to absorb. If you had, for example, 10 colleges submitting that month, each of them might have three to five candidates and each of those candidates had a CV. I would imagine, after the last two days, you can be somewhat sympathetic to that kind of problem.

—Our deliberations were mainly informed by the protocol and by reports from the liaison teams to the individual boards involved with the particular submissions. I think the best thing probably right now is, if you could just jump to appendix B, I'll tell you briefly the parts that we were looking for from this protocol. This is the protocol, then, that was developed in 1987-88.

The model involves two parts. The first part is actually just some summarizing material—the role of the board is outlined there—with a particular statement which I think is critical to how boards and any such bodies operate. While it is expected that governors will bring to the board a variety of perspectives, a governor's responsibility is to the college and not to any private interest, community tie or particular sector.

This, of course, is very much how the Council of Regents also operates.

The knowledge, skills and expertise required: That, of course, is collectively, not of every individual.

The objectives of the appointment process: Part of the reason for the process that was developed was to embed a mechanism that made it automatic that a regular review by the board of college priorities would occur, to ensure that a regular look at the community's characteristics and

resources would occur and to maintain links with that community.

The protocol itself is on page B2, again outlined briefly. The protocol was intended to identify and prioritize the goals of the board, based on the college's strategic plan; to identify their membership needs, taking into account their board-specific needs as well as the social objectives aimed at increasing representativeness; to establish a process for identifying the candidates; and to establish principles to guide in the selection process.

The process itself involves several points. Again, I won't hit them all. We wanted them to attempt to select candidates who meet a number of the objectives that they established in their own protocol—that way they were getting multiple duty, if you will, from each board member—and specifically to provide a rationale for the candidates forwarded to council.

The discussions at the governance committee were wide open, in the sense that we rarely voted except to formalize what we had arrived at a consensus on. On very rare occasions—I can remember perhaps a handful in five years—we actually deferred a case to council to be discussed as a whole, rather than us making a recommendation, so that we had input from everybody before we made a recommendation on that.

—Reappointments for a second three-year term were based on a review by the board of the member's contribution. They usually did that by some sort of interview process and then submitted a little paragraph report of that to us.

—Our recommendations went before council the day following our meeting and then council members could open the discussion as it wished on any appointment.

—After the decisions had been made, letters of appointment were sent to those nominees selected and a letter to the board as well, indicating who was chosen, with any added comments if that was appropriate.

—Once or twice a year, I sent a letter out to the system highlighting areas of progress and ongoing concern. What I did was, all through the year I kept track of the things that were really, really good and perhaps that we wanted to see some improvement on. We tried to include specific examples, not of course identifying the specific people or colleges involved, and the colleges generally seemed to appreciate that.

The current governance review took place entirely in the time that I was chair, so I'll just give you a little background on that.

In late 1992, the council invited all the stakeholders to the college system to submit their views on governance by spring 1993. Once we got all of those, we began to collate the information and organize the input—at least we tried for a coherent organization. Over the fall, we sort of worked our way through four meetings of discussion on these and our discussions were informed by a wide spectrum of input—there's a typo there. It should be regulation 770, not 7770. I hope there aren't that many regulations.

We also had the OPSEU paper, Change to Meet the Challenge; the COP/COG paper, A Green Paper on Board

Governance; we had responses from boards and unions and we had responses from individual people on boards and individual people in the colleges; and of course the college council guidelines, because one of our topics was the college council.

At this point, can I just ask a general question? If you've gone through the draft recommendations in detail, I'm not going to do it again here for you, but if you haven't and would like to know the rationale behind those 10 recommendations, I would be happy to do that for you.

Response? Have you got the paper? Do you have copies of the paper? Do you have this?

Mr David Pond: They all have it.

Dr Marshman: You all have this. Is everyone very familiar with it?

The Acting Chair: I wouldn't say that. Perhaps the critics are, from the—

Dr Marshman: I'll do a rundown then.

Ms Margaret H. Harrington (Niagara Falls): Could you briefly highlight it?

Dr Marshman: Yes, sure. No problem.

We had a tough time reaching a consensus on some issues. That's a given because of the spectrum of responses.

The first one, as you are no doubt aware, has been the most eliciting of interesting discussions, and that was that each board should choose, in consultation with appropriate constituency groups, one member from organized labour, which is as it now stands, aboriginals and persons with disabilities. Our reasoning behind that was that it was a way to answer the minister's request for accountability which, as you know, is now built into regulation 770. So it was partly for that and partly because it would ensure the support of the constituency that you were trying to represent if you went to the constituency groups and got candidates from them.

The second one was that each board should be able to decide whether it wanted 12, 13 or 14 external members. We had two reasons for this, which are actually at opposite ends of the spectrum. One was for colleges with very large, very diverse populations that actually had said to us in their responses that they couldn't get diversity with only 12 external members to the extent that they wished. The second was the other end of the scale, with very, very large geographic domains in the catchment area but fewer people. They couldn't get regional representation. So that was the rationale for that one.

The third one was that the council, with system participation, should establish uniform election procedures for internal governors. Reg 770 is not explicit about how the manner of election of internal governors should be conducted. This was simply a recommendation that it should be made explicit.

Fourth, the addition of voice-but-no-vote observers, including presidents of electoral groups, a part-time faculty member and one additional student. This was a response on our part to strongly express concern that the current model of four internally elected members from each of

the four constituencies doesn't allow for sufficient representation, particularly part-time people.

Fifth:

(a) The internal members should be eligible to serve as chairs or vice-chairs. It was felt that the internal members should be treated in the same manner as external members. Since everyone has to state conflict of interest anyhow, this wouldn't in any way change the current state of things.

(b) Presidents should be non-voting members of the board and uniform processes for appointment, review and removal should be developed and compensation packages should be reviewed. That was a response to the fact that people expressed concern to us that there's substantial variation over the system on how these things are done, how presidents are appointed, how they are assessed and how their contracts are made up and that it ought to be addressed.

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Sixth, uniform criteria for college councils. Again, this differ widely in colleges and the councils themselves requested that we look at this.

Seventh, no change to length and number of terms. The responses were about evenly divided and most people in fact were happy with the three-year term.

Eighth, the change of quorum just made sense vis-à-vis the addition of three more potential internal members, plus the problems of large catchment areas, people making it in to meetings.

Specific conflict-of-interest guidelines. It was felt that the Corporations Act guidelines are not specific enough in some of the responses we got.

Proposed changes for in camera meetings. Again, there's variation in how in camera is used by different boards.

Ninth, governor training is always an issue. This recommendation reflects the fact that many of our respondents felt that the existing training simply is not enough, especially on system-wide issues.

Tenth, the per diem was a response to a very real problem that as you try to increase the diversity of the boards, you're looking at asking people to serve who definitely can't afford to give up a day's pay to come to meetings.

Those were the draft recommendations. They were been sent out as of January 4. I'm sure you know there's been lots of debate and council is about to give its response to the minister in the form of finalized recommendations.

I would be remiss if I didn't point out that serving on council was a very special thing for me. Our discussions were always really lively and reflected the very diverse skills and experience of everyone on the council. The discussions covered every angle of any issue. They were sometimes a little rowdy, but lots of humour and wit were involved and I found them fascinating. That might be because I'm an academic and a mathematician and probably our reasoning is done in a more constrained and formal way.

All three of the chairs that I served under had the very good sense to encourage that kind of interaction. It allowed for the optimal utilization of the knowledge and talents on the board. It seems to me that's the advantage of an independent board.

I also got to meet governors, presidents, faculty and staff from within the college system. I can't begin to tell you how much this changed my perspective on post-secondary education, their tremendous competence and vitality and caring about the system and about the work they were doing, and they're facing really tough challenges, as is everyone these days. I certainly am much better informed. It was a wonderful experience.

Thanks for asking me to come. I hope it's been of some use to get some facts about how we did things.

The Acting Chair: We've got about two minutes per caucus, so time for perhaps one quick question and response.

Mr Bradley: I'll ask this particular question. I fought vehemently for years against, as I'm sure everybody did, self-identification forms and now I see, in 1994, in fact before that, self-identification forms are considered to be essential when one is applying for an agency, board or commission appointment.

Do you not believe that it flies in the face of what so many people were against for so many years, and that is discrimination either because they fitted as part of a group or didn't fit as part of a group?

For instance, if I were to fill out one of those forms, I would be zero for five. My chances of getting an appointment would be severely limited by being zero for five.

Dr Marshman: When you say that, could you just tell me what you mean by "zero for five"?

Mr Bradley: "Zero for five" is a baseball term.

Dr Marshman: Oh, okay. You're talking about the specific part of it.

Mr Bradley: Yes. I'm not female, I'm not a visible minority, I'm not an aboriginal person, I'm not disabled and I'm not a francophone.

Dr Marshman: Are you ready for me to respond?

Mr Bradley: Yes.

The Acting Chair: Quickly, please.

Dr Marshman: I guess I just feel that you're probably misinterpreting. The point isn't that everyone would tick off one of those categories. The only point is that we would know how many we did have from those target groups. Nobody's going to claim that all of the members of every group should have one of those attributes. The idea is that you have a diverse set of people and that some of those people have those attributes, that's all.

Mr Bradley: That's not how it works.

Mrs Cunningham: Just in response to that—by the way, I enjoyed your presentation.

Dr Marshman: I'm sorry I took a little longer.

Mrs Cunningham: Just to follow up on what my colleague has said, we do delineate aboriginals and persons with disabilities as part 1 of the draft recommendations, page 5.

Dr Marshman: Yes. What is your question?

Mrs Cunningham: It's sort of attitude. I think there's an attitude involved. I'm not sure to what extent when you're looking for people, even with disabilities—and I have a disabled son. He doesn't like to always put down that he's disabled. Why should he have to do that on a form if he wants to help at the Y? But the people who asked him to be involved knew he was disabled. I think it's very difficult.

Dr Marshman: Yes.

Mrs Cunningham: It's just something to think about.

Dr Marshman: I agree with you basically.

Mrs Cunningham: He did not like it at all. He didn't want to call himself disabled, and that was that. And he didn't like to think of himself as being picked because he was disabled. He thought he should be picked because he was good at working with children. It's just something to think about.

Dr Marshman: I think you're right. It's a very difficult issue. We were given a directive to measure, to be accountable for this type of participation, and the self-ID form was a way to do it. There may be other, better ways, and hopefully we'll—

Mrs Cunningham: I would really encourage you to think about it.

Ms Carter: I want to thank you for a very thorough and reassuring explanation of what happens about these governance appointments, and I just want to ask you one question. You were on the council until recently, I understand.

Dr Marshman: December 1993.

Ms Carter: Yes. Although most appointments go through smoothly, there has always been, I would imagine, some problematic appointments. There was a suggestion at this committee that disputes were invented by the present council; in other words, that they didn't used to happen in the past.

I was just wondering whether there's always been some element of inappropriate names being received and therefore rejected.

Dr Marshman: Sure. In the original setup, council in fact didn't even have to appoint one of the three names that the board sent in. They could appoint one of those three names, and if they didn't like them, they appointed someone else that they chose.

We have tried very hard to avoid doing that. That has happened at only two colleges that I know of in the six years that I've served on council. I believe in fact in the COR paper you received on Monday that is delineated there.

In terms of other submissions not being accepted, by far the most frequent reason that we returned a submission was because it was incomplete, a CV was left out or some information wasn't given. But the vast majority—I can give you numbers, if you want numbers. Do you want numbers?

The Acting Chair: I'm afraid we don't have time. That concludes your appearance today, Ms Marshman, and we thank you for your contribution.

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PENNY MILTON

The Acting Chair: Our next witness is Penny Milton. Welcome to the committee. Ms Milton is also a former member of the Ontario Council of Regents for CAATs.

Ms Penny Milton: Because I've been in these places before, for any of you to whom I kind of seem familiar, I really was Penny Moss. The opportunity to move from public life was a chance to change my name without penalty.

However, I thank you for the opportunity to speak to you this afternoon. It's been some years since I left the council, and therefore the presentation that I want to make is about reflections on that experience, rather dealing with the specific issues—although needless to say I have opinions about them—that may be the reason for this particular review.

I think it's important to be here because, for me, these special purpose bodies that are created by the Legislature absolutely must be subject to periodic scrutiny, and I think that's a scrutiny that's beyond the question of auditing for financial management. These hearings provide the opportunity to in fact review the role, mandate and, importantly, the effectiveness of the Ontario Council of Regents.

I was appointed to the council in 1986 and served for the maximum six years, retiring in 1991. At various times I was a member of the former program approval committee; the negotiations steering committee; the governor appointments committee, which subsequently became the governance committee that Bev chaired; and the steering committee of Vision 2000. In that process I chaired the study team that developed the recommendations concerning college-university linkages.

In my current capacity as vice-president of an Ontario science and technology research company, I maintain links with the colleges, but they're different. I'm now the employer of Ontario college graduates, technicians and technologists, and we often use the colleges for further training of our staff. Secondly, I'm responsible for Ortech's participation in a federal technology program, a research assistance program, and in fact we've negotiated with two of the colleges, Mohawk and Sheridan, to locate one of our industrial technology advisers on that site because the colleges in many communities are central to aspects of industrial development that we work with. So I'm pleased to maintain this new operational relationship with our councils.

My perspective on the Council of Regents is informed not only by my own experience as a member, but because I've had, I think, significant voluntary, elected and appointed roles as governor, director, school trustee etc. I've also been the CEO for non-profit organizations that have elected or appointed boards, so I come to this with this variety of perspectives.

During my tenure, I saw the Council of Regents evolve from a somewhat cosy or clubby group isolated from the day-to-day challenges facing the colleges to what I believe is a vigorous organization that's clearer about its mandate. It's prepared to address issues of substance and

it's able to articulate its view of the broader public interest and to keep this perspective at the forefront of its attempts to reconcile the often competing interests of various stakeholders in the college enterprise.

As just a small example of the change that happened, when my appointment was announced, I was taken out to lunch by the then chair of the council because the council members had decided that I was probably a troublemaker, being one of the early appointments of a new government, and wasn't worthy of a proper orientation program, so maybe I could be whipped into shape over lunch. I thought, "This is a wonderful introduction." However, we did have a lot to learn from each other.

The evolution of the council was not without conflict—I think you've seen some of that here—and we shouldn't expect it to be. But I want to emphasize that the council was not responsible alone for its own transformation. It is a creature of the Legislature and it was subject to direction from ministers. As well, governments have appointed in the last few years, I would say since the mid-1980s, new, more diverse, in my view more informed, more competent and more representative council members. The then Ministry of Colleges and Universities supported this evolution strongly by the dedication of public servants who learned to work with the council in what I regard as very successful ways. They are people who, as I see them around the Queen's Park complexes, I am still thrilled to see.

My conclusions about the four key roles of the council—that is, policy adviser, appointor of college governors, management's agent for collective bargaining and the implementor of government policy—actually rest on some basic assumptions that I'd like to put out to you because I suspect they're generally shared.

The colleges are public institutions. They need to be governed as public institutions and the boards of governors must be accountable for their performance to the public and to the taxpayers through their accountability to government.

The direction and management of colleges must provide for the education and training which balances the needs and interests of students with those of the broader community, which does include business and labour.

They are provincial institutions and they must be subject to governmental direction and regulation.

I'm not going to dwell at length on the role of the council as policy adviser. I think many have commented on Vision 2000 as being perhaps the best-known example of the council's policy initiatives.

What was instructive about it, myself having been party to many policy advisory processes, was that when I started the work with the study team, one quite significant member of the Ontario university community said to me: "Penny, why should I work with you? I have been part of groups time and time again and the recommendations sit on the shelf."

I said to him, "I can promise you that the way we're going to do this will result in recommendations that the government is able to adopt." In fact, the toughest recommendations for anybody to swallow of Vision 2000

happen to be the ones the government did adopt and are being implemented.

I refer you to the difference between the question in elementary and secondary debate about standards and evaluation versus what's proceeding in the colleges. I think that's a direct result of having an arm's-length body that was able to deal with the conflicting and competing interests around standards and accreditation.

I gather that one of the reasons this committee is undertaking this review is because of the issue of appointment of governors. I actually stuck on that committee for as long as I was a council member, and by the end, I thought if all of our agencies had such processes for the scrutiny of appointments, we would not have half the problems we have in the governance system across public institutions.

This was a process for all the learning we had to do that was based on the notion that the responsibility of the council was to design processes and approaches that would create competent, committed and accountable governing boards. To my knowledge, though, we've only got anecdotal opinion to tell us whether that was achieved, because I don't know many public, let alone private, institutions that actually have in place effective means of measuring their own performance. My sense is that the colleges have competent governing bodies, but as I say, that's a matter of some opinion.

The concerns about governance are not at all restricted to the colleges; they're absolutely everywhere, and they're throughout North America, not just in Ontario and Canada. I'd like to commend to you, though I won't go through this section of my brief, a new 30-minute video called *In Search of Effective Governance*. It's been produced by the Canadian Comprehensive Auditing Foundation, which is located in Ottawa. They did a big research and conference project with both governing leaders and administrative leaders of major public and private sector institutions across the country and have come up with this pretty instructive tape. They talk about the characteristics of effective governance.

In order to leave some time for discussion, I would just like to end with some recommendations. I'm not sure whether you're charged with making recommendations, and if so, to whom, but who would miss the opportunity? These are recommendations that I might not have made when I was on the council.

1520

First of all, I'd recommend that presidents not be members of boards of which they serve as the CEO. If we want effective governance, it requires the accountability of management to that governing body. It's hard for me to understand, and certainly is not a role I would ever personally play, how you both provide advice and then get to instruct the decision-makers or be with the decision-makers in accepting or rejecting that advice.

I too would like to recommend that governors be paid and that the Council of Regents, in consultation with college boards, establish guidelines for the remuneration of governors. I used to think, when I was on the council, that it was an issue of who could serve, based on lost

wages and travel and such like. I now believe it's a much bigger issue than that. It's a question of accountability. It is much more difficult to hold individuals accountable for their performance when it's entirely voluntary, and that is in no way to demean or undermine the incredible contribution that volunteers have made in governance in this province. But these are public institutions that the public requires to be properly governed, and I think remuneration is part of that contract.

The third issue I would like to recommend is that a program of orientation and training on the role and responsibility of governors and on effective governance for colleges be prepared by the Council of Regents in consultation with college boards. That's also from personal experience. I could have been a more effective council member much earlier if learning by experience and watching others wasn't the only route to understanding. I think this is an important issue.

I'll briefly touch on two other issues. Collective bargaining has been studied to death. I always did and always will believe that the Council of Regents should not be the bargaining agent for the colleges, the employers should. I think the council has done the best it can to create appropriate structures and processes that give effect to the notion of the college as the employer, but it's still only second best and I would hope it's sooner rather than later that the appropriate vehicle for the employers to bargain as management is created. I know it means major legislative change.

The last issue that I'll briefly touch on is the role of council in planning and implementation. Vision 2000 recommended that the Council of Regents have the responsibility for overall strategic, not detailed, planning for the college system, not for individual colleges. I think that's appropriate. However, I have real reservations about whether the council should have other kinds of administrative or operating roles. Its current relationship to CSAC and PLAN, I think, is appropriate for as long as it is support and nurturing of startup activities. It's not the appropriate body to be overall an operating entity within the college system. For some of the reasons that Charles Pascal particularly focused on, some bodies need to be independent and their accountability needs to be through the minister.

Mr Gary Malkowski (York East): A well-presented brief. You were a former council member. In your experience, why do you think it would be difficult to find disabled nominees or recruitment of disabled people to some of the boards and some of the other agencies? Should the COR or the colleges then consult with some of the community groups or disabled organizations? I'm wondering if they did at all. If not, how do you think they could do that to get a variety of different people on the board?

Ms Milton: I actually don't think it's that difficult to find people from the target groups with the skills and knowledge necessary to be good governors. What I think our history is, is that we haven't known. The mainstream, if I can call it that, hasn't known how to make those linkages that actually identify prospective individuals. We all know how to contact our neighbours. I could give you

1,000 nominations from education, for example, because that's the community I know best and that's what our history is.

I'm of the view—my preference is still that the college boards themselves search for nominees and that council play a supportive role in helping to identify sources, mechanisms, linkages to the communities in which they wish to find representation. I can think of no occasion and no community in this province where an appropriate range reflective of the community cannot be identified. I think it's a question of will, and do people know how to do it.

Mr Malkowski: I'll be as specific with another question then. In your own experience, did we ever go forward to disabled groups to recruit members, or at least nominees? Did they ever actually do this, were resources provided and was it successful?

Ms Milton: I'm sorry. I can't answer that question specifically simply because I left before the real push on some of these issues continued. I would say that boards should be obligated to provide the necessary resources.

Mr Malkowski: So as a COR member yourself then, it didn't happen in your time.

Ms Milton: No, I'm not saying it didn't happen, I'm saying that I don't know whether in fact colleges and the council staff, for example, worked to put those connections together. I know we started to develop a resource list of associations and recommended them to the college for contacting in terms of identification of candidates.

Mr Malkowski: Okay. Thank you very much.

Mr Martin: It's good to see you again, Penny. I haven't seen you for a while. When I first got to the Ministry of Education you, of course, were part of OPSBA at that time.

Ms Milton: That's correct.

Mr Martin: I certainly saw you as a very interested, engaged and feisty individual and I—

Ms Milton: I've been called worse.

Mr Martin: Yes. We seem to be into a discussion here in a time of real change, real flux, of getting government and all the organizations connected with it to respond to the realities of today, which are less resources and more people needing to use the college system and all that kind of thing, and a Council of Regents that has been charged by the minister because of Vision 2000 to implement some new things as well. That of course brings with it the need for some dialogue.

I get the sense here that the dialogue is beginning to happen, that the Council of Regents is moving, but there are some bodies out there who, in being challenged, are having a difficult time with that. I guess my question to you is, in your experience, when does dialogue and consultation turn to confrontation and breakdown in relationship and the kinds of things that have been laid on the table, "Here is in fact what's happening" as opposed to that healthy give and take and thrust and parry of public business?

Ms Milton: I think it actually breaks down when parties decide it's time for it to break down. I'm a bit

hard-hearted about some of these things, but what appear to be quite often conflicts about an issue turn out to be conflicts about who has power. In a healthy, democratic society, we should also always have those kinds of conflicts. I think we should think seriously about interfering and assuming that things might be wrong simply because two groups do not share the same perspective on questions of the allocation of power and responsibility.

1530

Mr McGuinty: Welcome to our committee. First of all, you've indicated in here something that I think will make our governors and our presidents apoplectic. You have indicated that, in your view, the Council of Regents has four key roles. I think we've always known and assumed and understood that they acted as policy adviser. They had a role to play in college governance and they obviously play a role in collective bargaining, but you've added a fourth responsibility. You say they implement government policy. That is certainly news to me. I think implicitly the presidents and the governors suspect that the council has assumed this new role and they are very resistant to that. I'm just wondering, why do you see it as an implementor of government policy?

Ms Milton: It doesn't implement all government policy, and it certainly doesn't implement most government policy. In fact, if you read the paragraph, I'm suggesting that its role in implementation be very carefully thought about and seriously defined. However, it is true that it actually implements regularly everything that the minister of the day writes to it and asks it to do.

There are lots of examples of it; for example, collective bargaining. Obviously, in the end, the question of collective bargaining has been of direct importance to the ministry or government of the day and the Council of Regents has received directions and then implements them regarding that matter.

I was very strongly in favour of giving back to the government an implementation role that it had once given to the council that was a most inappropriate role, in my view, and that was program approval. That was an example where the council itself said: "This isn't the appropriate role. This is college operations and so send it back."

The reason I thought about this differently now was because when we did Vision 2000, and I think as policy-makers you know this, often the making of the policy has certain intents and objectives, and then when you get to the implementation stage, with the best will in the world, it doesn't turn out as what you intended because there's more to it than a mechanistic approach.

So I described the council in certain situations as being able to provide that startup, incubator, if you like—in my sector now that's what we call it, incubation—where you can start to deal with terms of reference, you can start to deal with memberships, all those kinds of things, working out the ground rules in what I would call a protected environment that allows for consultation, but at the same time allows access back to government if parties are not happy about the implementation activities.

Mr McGuinty: I want to follow up, because we're

short on time, with another one of your recommendations. I think you indicated that our governors, who are presently volunteers, should be paid. In the discussion paper that was released by the council or the governance committee, there was also recommendation to the effect that they should be paid \$125 per day. I have great difficulty with that. I think it detracts from the volunteer spirit which means there's going to be a tremendous commitment for public service to public service, the idea of public service, which is complicated when you add an additional benefit. Now there's going to be a financial reward.

Also, that \$125 a day, if you start getting into that, will hardly compensate a lawyer, a doctor or an accountant. And we don't have any money. Why couldn't we go to evening meetings, for instance? Why could we not explore other alternatives without having to pay people to do work which they have been doing for 28 years very effectively on a volunteer basis?

Ms Milton: We could. What we've seen though is that—I'm not critical of boards because this is how human beings operate. If your board has always met at such-and-such a time, there is a tendency to prefer future members who can accommodate that. That's one issue. Up in the north, I find board members who it takes almost three days to attend a board meeting in the wintertime. I don't want those people excluded.

I came across a super board member, she just was making an incredible contribution to the college system and, again, coincidentally, it was a northern college. I was congratulating her one day on her efforts and the commitment and she said, "But I'm going to have to resign." I said, "Why are you going to have to resign?" She said, "Because I can't take unpaid days off work any more and my employer wants to leave my wages intact."

So I've thought about other things, like maybe we could get employers to understand the contribution their staff are making to the public good, so could they cover their wages for the day.

The one thing we did on the council, because we were sensitive to those concerns, is once when we didn't have enough money for something we were trying to do, I think during Vision 2000 and restraint days, we all decided we wouldn't be paid any more. I'm not arguing that college governors must take pay, I'm arguing that it would be better if that option was available to boards. Mind you, I would rather that it was available then to the whole board membership, and not on a means test basis.

The Acting Chair: Thank you, Ms Milton. That concludes your appearance here this afternoon.

ABORIGINAL EDUCATION COUNCIL

The Acting Chair: Our final witnesses this afternoon are representatives of the Aboriginal Education Council. Welcome to the committee.

Ms Sylvia Maracle: I'm Sylvia Maracle. I'm a Mohawk from the Tyendinaga First Nation and I'm the chair of the Aboriginal Education Council. I'm joined by our provincial coordinator. He's a Nishnawbe from the Sudbury area named David McCuaig.

We had discussion back and forth at the Aboriginal Education Council about whether we should come,

because we see a lot of our business quite separate and distinct from the work that the Council of Regents is doing, but we do have a relationship and felt that it was important to come and maybe make some comments on that relationship. Since part of your agency review we hope will be very far-looking, you might understand where some of the post-secondary aboriginal initiatives are going in the province. We have provided you with some background. I've already told you that I'm Mohawk, so whether or not I'll be confined to remarks on paper remains to be seen.

The Aboriginal Education Council was established in September 1991 by order in council. It's composed of a non-voting and, given your very recent discussion, non-paid, chair as well as a representative from each of the provincial aboriginal organizations and a member from the independent or non-aligned first nations. Those are groups who choose not to belong to an umbrella organization.

The purpose of the Aboriginal Education Council is, in our mind, to work in a partnership with the Minister of Education and Training to implement a strategy that we were involved in over a period of two years designing. We provide advice and guidance, we hope, to the minister with respect to programming, policy and service needs of the aboriginal post-secondary learners and their communities.

The other notion about the strategy is that it is currently a multi-year funding initiative that really has three principles at its heart, three goals. One is to increase the participation or retention of aboriginal people in the current system. The second is to increase the sensitivity and awareness of those institutions to our culture, issues and realities and, thirdly, to increase the extent of our participation in decision-making affecting our students. The success of our strategy will very much depend on the cooperation and participation of the institutions, and those institutions and their interrelationship with the Council of Regents will very much affect whether we are able to achieve those things.

1540

The Aboriginal Education Council, as a fundamental tentamen of what we're doing, requires the creation of institutional-based councils, meaning councils inside the colleges and the universities, for that matter, as well, with significant local aboriginal representation and that they have direct authority for matters related to aboriginal education. It should not be news to this committee that we have not had large amounts of success as a people dealing with the educational institutions in the province. That lack of success certainly manifests itself with the numbers of dropouts and the lack of graduates from a high school level.

Lots of our people are coming into a college environment as mature students. As a matter of fact, we know over 70% of the aboriginal people who participate are mature students. Many, many of them have dependants. They have, as well, language issues and educational resource issues; they may, as well, have cultural issues and demands that perhaps mainstream students don't always have. We've attempted, through a dialogue with

the government, to create not only the strategy but a council so there's someone around who can look at changing that kind of situation, and not only have us join in great numbers and bring along our tuition but not drop out by Christmas time of the first year or go all through and not get the actual accreditation.

In order to do that, we've recognized that there's a fair bit of obligational responsibility on ourselves to create the environment, the supportive environment, so that people want to come ahead. But we also have said there needs to be the environment created in the institutions, both the institutional framework, so that everybody is thinking the same way, and inside the institutions themselves.

It's that kind of thinking that has brought us to have any involvement whatsoever with the Council of Regents. We certainly—myself and Richard Johnston, as the chair—have hoped that we've created a relationship; a relationship that's not always shared by the agencies and the councils that we chair. There is, as you can support, a lot of suspicion on the part of the aboriginal community that we're seen as great financial resources in terms of students, resources in terms of the strategy and in terms of other moneys you can attract to develop programs and deliver specialized services, but not always the resource when it comes to divvying up the pie that's there or establishing the priorities.

But we have created a relationship and we certainly have to say, as the chair, that Mr Johnston has been very forthcoming in terms of having interaction between the Council of Regents staff and our staff, between having the council's representatives sit down and begin to discuss some issues and in fact approaching us for advice on aboriginal representation on college boards of governors. The council has also encouraged our participation in both the standards accreditation and the prior learning initiatives that it has going. All those things are fine, but you have to appreciate that we have a limited human resource pool, nowhere near what the community college system has in this province, and that those dialogues are perhaps not as satisfactory as we would like; but at least we can say in the past several years we're at least being talked to, which did not exist prior.

We also have talked about, with the Council of Regents in a presentation that the AEC made, how they need to seriously look at changing the demographic representations on the community colleges so they reflect the communities they serve. You may have communities, as the previous speaker spoke about, in northern Ontario with very significant aboriginal populations nearby or in fact the primary target group of some of those colleges or aboriginal communities, yet you'll have one representative on the board of governors, maybe, and those kinds of discussions are things we would certainly very much want to change.

We're trying to be responsible as well to make sure that aboriginal communities are prepared to come forward. Even in this committee process, you can appreciate that one aboriginal person can feel very lonely. It isn't their system, they're coming and somehow they have to be enlightened to represent all of the aboriginal issues. They may or may not know the diversity of the commun-

ity in terms of first nations' or women's issues or Metis issues or urban issues.

One of the things we're interested in doing is making sure that our community wants to participate, that they're able to, that they're skilled, that they have the knowledge and they're not just there because they represent a red or, depending on your perspective, brown portion of the community.

We certainly want to assure the standing committee that, be it from Thunder Bay to Kitchener, the Niagara Region and Ottawa, we are present, willing and capable of representing our communities. We don't need people who are put on college boards who speak on our behalf or who are so small-l liberal in their approach that they know exactly what we need and they're our champions. There are aboriginal people in communities who need to be able to do that themselves, and in fact in many communities more than one person.

We're also expecting that community colleges and COR will not simply see an aboriginal initiative, frankly, as a cash cow. We don't bring just tuition agreements, for those of us who are status Indians, from the federal government, or money from Indian and Northern Affairs or Human Resources Canada that says, "Gee, if you do an aboriginal initiative, you can have this extra support." If in fact there is going to be that, those institutions that become financially dependent on aboriginal students need to make sure they are not just taking resources from the aboriginal community but putting them back in.

The relationship between our councils and the colleges is, in the best definitions, diverse. There are a few that work very well and colleges that are really interested. The Council of Regents has largely taken a hands-off approach to this except periodically to come to us and say, "Who should the appointees be?"

The other thing you should know is that we are very interested and keen in Ontario on developing our own post-secondary institution. That may be parallel to the francophone experience you've had. While we recognize that there will be aboriginal students who will continue to attend mainstream institutions, we believe that more numbers than are currently attending will be interested in participating in post-secondary institutions, which we're interested in developing. Over a period of time, we will obviously be interested in developing a formal relationship with mainstream. It is very unlikely that we would want that institution under the purview of the Council of Regents.

We have a variety of recommendations that we think apply to the council and would improve its relationship overall with the aboriginal community. We think there needs to be, first off, a formal relationship and not one based on the goodwill of the chair. We think as well that once that formal relationship is there, there needs to be a consultation process. Very often, we feel like we're the person who came lately to the consultative processes, that we're an afterthought—"Oh, and we should go speak to the aboriginal people or the Aboriginal Education Council." Just as we're learning to plan seriously for disabled issues and for francophone issues and women's issues and visible minorities, so should very first and foremost

in our mind come the aboriginal issues with respect to community colleges and the post-secondary system.

We think that aboriginal education issues are so important that they should become a permanent agenda item of the council, lest the council try to get out of some of its duties to community colleges and say, "Oh, the AEC will take them over." We have a staff of two and half of them are here, which means only one is left in our office. Our council largely operates on volunteerism. We do, when we're in formal meetings, get the per diem that was talked about, but we also bring people from Big Trout Lake and Thunder Bay and Moosonee as well as area first nations in urban areas closer to Toronto.

We also expect that there should be an expectation that the Council of Regents confirm its support of the aboriginal education and training strategy so it's very clear it's on board, that there is a need to treat and to deal with aboriginal people differently and that it's not something that's going on over here and community colleges should pay attention to it as they will. That kind of support from mainstream institutions and advisory and decision-making bodies will go a long way to making our job easier.

We also hope that the boards of governors at all colleges will make extraordinary efforts to include aboriginal representatives. Notice we've used the word "representative." We don't want a syndrome, that I've talked about with many standing committees before, of the favourite Indian: "I know an Indian. I like what they say, so I'm going to go ask him or her to be on the committee with me." But we are talking about community representatives and the process to involve those and the kind of consultation and discussion that needs to go on.

We also expect that aboriginal perspectives will be better reflected in the curriculum materials that are used and that there are some professional fields we would target, such as social work, health care, legal studies, law enforcement. We're tired, frankly, of the theory of a conquered people, the myths we were taught from kindergarten all the way up becoming specialities at post-secondary institutions, and work should be done on that.

1550

We also want to make sure that the Council of Regents and the Aboriginal Education Council avoid duplication of services. Do we have to do the same things to each other all the time? We are interested, as we said, in the establishment of our own institutions. The council could come on board willingly and be interested in supporting that process and helping us, or it can become one of the biggest impediments because it wants to maintain the base it has and maintain the power structures and the imbalances that exist.

We recognize that part of your task is to look at efficiency. But in looking at efficiency you need also to look at effectiveness, and that effectiveness is, is the Council of Regents with its responsibilities able to address the aboriginal people's post-secondary education needs in this province? If it can't, then insist that it have a formal relationship with the AEC and that together we're able to go forward and make the system better for everyone. Those are our comments.

Mr McGuinty: Thank you very much for your presentation. Tell me now, we have at least one aboriginal representative sitting on the Council of Regents. Is that correct?

Ms Maracle: Yes, you do.

Mr McGuinty: Some of the issues you have raised, are they a result of there being insufficient representation on the council now, insufficient linkage with your group?

Ms Maracle: When I inherited the chair of the Aboriginal Education Council, which was when we were created, there was already an aboriginal person on the Council of Regents. That person has changed very recently, but they have no ties to the AEC. So you have two bodies providing not totally duplicate but somewhat similar services by way of advice and no relationship between the aboriginal representative who is on the Council of Regents and the Aboriginal Education Council.

Mr McGuinty: The other concern I have is, one of the things that we like to do of course is to oversimplify things. That's just a natural human tendency. We think, "Well, if we have one aboriginal person—and they're all the same, aren't they—then one can speak for all of them." You provided a good listing of some of the various aspects: women's issues; do they speak for Metis; do they cover all 130 first nations? How do we address that issue in terms of making sure that when there is one aboriginal representative, that one speaks or can speak properly for all?

Ms Maracle: What we've proposed is that one create institutional committees, and on the institutional committee in our strategy we recognize that we couldn't speak for everyone. So, in the strategy we said there has to be somebody from a friendship centre, somebody from a Metis local, somebody from the women's local, somebody from the area of first nations and somebody who's involved specifically in aboriginal training or education. You create that body, and from that body they would identify who would best represent them in the board of governors' process.

That is not the process that's being used. We still have institutional committees comprised of many aboriginal people from very diverse backgrounds and somehow outside of that process comes the appointment for the board of governors. Those are things we have discussed already with the Council of Regents, saying there is a better way to do this.

Community people—and I don't want to say "community" in finite words like "community colleges" perhaps in a geographic area—best know who might meet the maximum perspectives that we can. We believe that's the best body you go to when you're looking for aboriginal appointments to the board, as opposed to, as I said, a syndrome of your favourite Indian.

Mr McGuinty: My last question: Could you describe for us, because I think it would be very helpful, a typical Ontario college and how it is inadequate in terms of addressing the needs of an aboriginal student, why it represents a foreign place and the needs that we may not even be recognizing, let alone attempting to fulfil?

Ms Maracle: It's the substance of a great number of my presentations. In a nutshell, what people are buying into in mainstream community colleges is more mainstream values. The process that has been applied by governments in essentially attempting to civilize us as a people has resulted in our marginalization, in the dysfunction that exists in our families and communities.

We're coming to community colleges and we see a value-laden curriculum that applies very much to mainstream, that doesn't meet different target groups. We're dealing with dependence; many are young people. They're not mature students going back, although we see that number is increasing. There are not places for us. There is not a respect for our traditions and our ways.

We've really had to elbow our way in and have the aboriginal education and training strategy to use as a carrot to convince colleges that they should make spaces for native students so we can have powwows and socials and where our elders and traditional people teach; where we can say our elders and traditional people's credentials are just as important as the PhDs and the MAs who teach there; where we can say to our students the curriculum can be modified and applied in a community development norm that's appropriate to the community you come from. You may have to give the answer in class that says this is right, but if you know it doesn't apply to your community and your family, how relevant does that become?

We also see lots of evidence of racism that continues in curriculum material, in teachers and faculty presentations and is in fact systemic to the system itself. We have community colleges and universities where aboriginal students make up almost 100% of the courses to get us into regular programming in terms of getting the proper academic credentials to come in. All those things indicate to us that the mainstream college system is not meeting our needs and that we need to look at an alternative, which is the aboriginal education and training strategy, for a while until we can convince those institutions that come on board.

Mr Martin: Thanks again, Ms Maracle. It's the second or third time I've heard you and I'm always impressed with your ability to articulate the aboriginal position on all these things. I just have a question, and I'm not sure how appropriate. We're into a process here of trying to figure out how we make a system gel so that we're serving people and taking this province re its education and training needs, post-secondary, college, into the next century and reflecting the diverse demands that are on it at this point in time, the lack of resources and trying to do more with less and all that kind of thing. You've heard it all.

Ms Maracle: We've lived it since 1867.

Mr Martin: Yes, so maybe you're a good person to ask this question. Actually, the question is around process. We as a government believe in consultation, in working collaboratively with people. We feel that the community is best served when it's at some point in on the decision-making process.

The question is, at what point do those who have been given leadership stop consulting and make decisions?

When do you do that? I know from some work I've done with my neighbour communities in Sault Ste Marie, Garden River and Rankin, that they consult on everything. They consult their people, they talk about it and then ultimately, in the end—and for some of us who are anxious people around that whole process it seems to take for ever.

The Council of Regents is consulting out there right now on the question of governance. They went out to the community of colleges and asked for input on a paper they put together to generate discussion. They came back and now are putting together their final recommendations to the minister, who will then decide himself what he wants to do re that whole question. Yesterday the suggestion was that this paper should be brought back again before it goes forward.

I guess the question I would have of you is, at what point do you stop the consultation and get on with business, get on with making the decisions that need to be made so that we can offer to our communities the best there is?

Ms Maracle: I think in the case of the aboriginal community, we did our consultation and created the strategy. What we're saying with respect to our response to the Council of Regents is: "Here is a resource. We've done our consultation. You're not coming and asking us if there are new things that are being thought up every day as we're going along." But certainly when we are speaking to the community about governance, the Aboriginal Education Council can be very clear about what our expectations are both of COR and of community colleges.

We expect, while we are developing an aboriginal institution, that aboriginal people will be involved directly proportional to the population area that's serviced by that community college, and at the minimum there will be one aboriginal person. We expect that the institutional structure will respect the fact that we have created community committees, if you want, to provide that advice and direction with respect to aboriginal programming.

So, in terms of that example, I can tell you that with the leadership and the responsibilities I have, I can stand up and be very direct about what the aboriginal issues are. In terms of whether we're talking about prior learning or we're talking about the accreditation standards council, we can tell you that we are very, very diverse in our opinions of each other and that is going to take some reconciliation. But certainly we are still prepared to come forward.

You're right that we consult a great deal. That has not stopped us, however, from moving when we needed to move, and in the case of this we've developed a strategy. We have the overall way that we're going and we're finding there are some impediments to realizing the degree of success we might be able to with that strategy because the people who are seen as major players, like COR and the community college system, have not come on board and been very clear: "Yes, we don't have a choice. We do support this. It's good for all of us. We'll facilitate what we can to make sure that things occur."

We've had that extension, as I said, from the chair. That's not necessarily as strongly shared by the council.

We've had some pleasant chats while they've bought lunch and we don't see the kinds of inroads that we should with respect to aboriginal people's participation, with respect to retention and success rates, with respect to changing the structure so that we feel in a collective sense that aboriginal people are more fairly represented and dealt with in that system.

Mr Martin: There's also the issue of local versus central in decision-making. I know that, again from my own community, there is an aboriginal education council in Sault Ste Marie that does some really good work and has worked through some strategies.

In terms of me representing that constituency and being here as part of the Ministry of Education, whom do we listen to? Who is it best to listen to? How is the system best served? Is it best served from the centre or is it best served from local decision-making?

Ms Maracle: We'd like to suggest we're not so schizophrenic in the aboriginal community that we're different. In the case of your example in the Sault, we borrowed one of the people from that council, as you know, to advise on prior learning, so we can tell you that the community is well represented in the process, but it takes us time. We've been affected by a colonization system that's really fractionalized us. It's taken us a long time to trust each other and it's going to take us even

longer to trust you. So you're going to hear a few varied songs from us for a little while.

The Acting Chair (Mr Daniel Waters): Thank you for your presentation. There is just one more thing before the committee. Mr McGuinty.

Mr McGuinty: Earlier, I was speaking with our researcher and I thought it might be a good idea for us, in light of the fact that we will not be meeting for some time after our hearings tomorrow, to consider what we've heard here. I was going to ask that our research prepare for us for consideration at that time a summary of the views that have been presented so that it will be easier for us, to help I guess jog our memories; also given the fact that there are probably going to be a number of committee members to consider that who won't even have had the benefit of the hearings. So I was going to make that suggestion. I'm not sure if it's something that requires a formal motion.

The Acting Chair: I don't believe that it requires a formal motion, but sitting in the chair today I'll concur and will consider it so directed to Mr Pond.

Nothing else to come before the committee today? Hearing none, we are adjourned until 10 o'clock tomorrow morning.

The committee adjourned at 1605.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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**In attendance / présents*

Substitutions present/ Membres remplaçants présents:

Cunningham, Dianne (London North/-Nord PC) for Mr McLean
Hansen, Ron (Lincoln ND) for Ms Harrington
Martin, Tony (Sault Ste Marie ND) for Mr Ferguson
McGuinty, Dalton (Ottawa South/-Sud L) for Mr Curling
Murdoch, Bill (Grey-Owen Sound PC) for Mrs Marland
Runciman, Robert W. (Leeds-Grenville PC) for Mrs Witmer

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Thursday 29 September 1994

Journal des débats (Hansard)

Jeudi 29 septembre 1994

Standing committee on
government agencies

Comité permanent des
organismes gouvernementaux

Ontario Council of Regents
for Colleges of Applied Arts
and Technology

Conseil Ontarien
des affaires collégiales

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Thursday 29 September 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Jeudi 29 septembre 1994

*The committee met at 1002 in room 151.*ONTARIO COUNCIL OF REGENTS
FOR COLLEGES OF APPLIED ARTS
AND TECHNOLOGY

The Chair (Mrs Margaret Marland): Good morning. We are in the process of the agency review of that government agency known as the Ontario Council of Regents for Colleges of Applied Arts and Technology.

ONTARIO COMMUNITY COLLEGE
STUDENT PARLIAMENTARY ASSOCIATION

The Chair: Our first deputation this morning is the Ontario Community College Student Parliamentary Association. The acronym is OCCSPA. We welcome this morning to the committee Ms Cynthia Hilliard, the president; Tracy Fleming, a member of the Ontario Community College Student Parliamentary Association and president of the Georgian College student association; and also Mr Paul Hamilton, who is a member of the Ontario Community College Student Parliamentary Association and president of the Seneca College student association. I guess, Ms Hilliard, we don't know if you're president of a community college association as well. This is the information that we have and if you'd like to add to it, that is fine.

You have one half-hour for your presentation and I know the committee would appreciate it if you could leave time for some questions from all three caucuses.

Ms Cynthia Hilliard: First thing, thank you for the opportunity to speak to the committee this morning. Today I have with me members of our association who will present our history, our opinions of the Council of Regents and give some background to the work we do.

With me is Paul Anthony Hamilton. Paul is the president of the arts students communication council at the school of communication arts campus, Seneca College. Paul is the central region chair for OCCSPA and represents the association on two provincial committees, harassment and discrimination, and the student life committee. Paul is in his second year of study in the broadcast journalism program.

Tracy Fleming is in his second term as president of the student association of Barrie campus of Georgian College. Tracy has been a member of OCCSPA for two years and represents the association at the coordinating committee on student services. Tracy is a third-year business administration student specializing in marketing.

I am Cynthia Hilliard, the president of OCCSPA. I have been a member of OCCSPA for two years, my last year being the eastern regional chair. I sit on the provin-

cial committee, the school-college linkage project, and I am a part-time student at Sir Sandford Fleming College. I am the delegate for Sir Sandford Fleming's student association; I am not a president there, just that.

Any review of the Council of Regents should include the perspective of all stakeholders and as representatives of the largest group—students—we feel it is important to be here and have our voices heard.

I have been watching these proceedings on television and have heard talks continuously brought back to the student and our point of view. Initially, we were not invited to the table here. However, we are appreciative of the half-hour we've been given and we will attempt to address matters of concern facing college students in relation to the Council of Regents.

OCCSPA-APECCO is the Ontario Community College Student Parliamentary Association, l'Association parlementaire des étudiants des collèges communautaires de l'Ontario, a bilingual lobbying and networking group for students of Ontario's colleges of applied arts and technology. Our association represents over 130,000 students in Ontario. True, there are 800,000 part-time students not currently represented by any other student group; however, our group is looking into this issue.

Originally, we were formed in 1975. Student leaders felt there was a need for the college students' unique perspective and distinct voice to be heard by the Ministry of Education as well as other provincial policymakers and decision-makers. OCCSPA is a very unique organization in the way that we have maintained a focus on educational issues.

The purpose of OCCSPA is to represent college students on matters of common concern to the Council of Regents, the Ministry of Education and Training, college administrators and any other external agency as deemed necessary and appropriate by our membership. The association also gathers pertinent information regarding issues, problems and/or solutions concerning college students.

OCCSPA-APECCO aids in the development and implementation of joint initiatives and fosters interaction of all students.

The association has a strong commitment to information sharing and meets regularly with other provincial associations such as the student board of governors, the student life group, the Ontario Undergraduate Students Alliance and the Canadian Federation of Students, as well as OCCSPA-APECCO's counterparts in Alberta and British Columbia.

The college students of Ontario are very pleased that

the Ontario government has now set up two more French-language colleges. It is long overdue and has been an advocacy issue of our association for some time.

Now I'll turn it over to Paul Hamilton, who will present a brief history of OCCSPA-APECCO.

Mr Paul Hamilton: Throughout our 20-year history, OCCSPA-APECCO has endeavoured to present an informed student opinion.

After the teachers' strike in 1989, student leaders recognized the need for a strong student voice and the viability of a provincial college student association. With that in mind, student leaders took a serious look at OCCSPA-APECCO and began the process of change that has led us here today.

Student leaders examined the trend of student politics and discovered that despite protests, serious educational decisions were being made without student input. Student leaders began to explore other options besides placard and protest style lobbying and tried to move to what we term as "new age lobbying." This meant a change in style and attitude, rather than expecting our ideas and needs to be developed on their own. Student leaders know that they have to present viable solutions to the critical issues facing education and student leaders have received a seat at the decision table.

We recognize the need for student representation on many of the provincial committees and processes that affect students. OCCSPA-APECCO is sought after by the Ministry of Education and Training, ACAATO and other student groups for representatives to participate on committees. Our association has student representation on, and voiced student concerns on, all provincial committees that have an educational focus or will have direct impact on college students.

OCCSPA-APECCO is the only organization that has college student representation on the Ministry of Education and Training committees.

Briefly, these committees are: the Council of Regents, College Standards and Accreditation Council, the school-college linkage committee, prior learning assessment, funding review, harassment and discrimination committee, and the college restructuring steering committee and its working groups: technologically mediated instruction, student retention and a staff secondment to the compressed/flexible working group.

OCCSPA recently requested student representation on the coordinating committee on student services. This seat is the only student seat of all 42 ACAATO committees. Tuesday, the Council of Presidents recommended that initiatives such as CSAC and PLA be decentralized or operationalized by this group.

As students, we believe this cannot be justified considering the purpose of the ACAATO group is to advocate on behalf of college governors, presidents and administrators. This would be like putting the students in charge where we would be looking out for our own interests.

The Council of Regents' neutral role is vital in ensuring that the work in the direction of the progressive work being done for the CAAT system is well-rounded, with

inclusion of the broader public. Additionally, the students view CSAC as a distinct body.

Besides student representation on provincial committees, the association lobbies the government on issues of common concern, namely tuition, loan programs and ancillary fees.

Tracy Fleming will discuss OCCSPA-APECCO's relationship with the Council of Regents over the past 20 years. Tracy?

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Mr Tracy Fleming: Thank you, Paul. OCCSPA-APECCO began to gain credibility with the Council of Regents in 1991-92 with a steady increase in member colleges. That year there were 11 member colleges. In 1992-93, there were 19 member colleges. The executive for that year was mandated to develop a stronger internal structure and obtain a permanent home office.

Many felt that the lack of OCCSPA's effectiveness was the yearly shuffle of the office upon the election of the coordinator of internal affairs. The president made securing home office and funds to staff it his goal for the year. By the end of his term, office space was donated by the Council of Regents, while reserves paid for the part-time staff.

It was during this year that the restructuring initiative began. OCCSPA made a request that the committee second stakeholders from all groups, including students. The request was granted and a college graduate was seconded in May. OCCSPA received permission to use the student secondment office as home office and staff worked part-time from there.

This strategic alliance has been a benefit to both OCCSPA and the Council of Regents. OCCSPA has been able to grow and maintain membership without dramatic fee increases. We have maintained open lines of communication between the Ministry of Education and Training and the Ontario Council of Regents through regularly scheduled meetings. Both the council and OCCSPA have increased opportunities for impromptu information sharing and problem solving due to location.

In September 1993 OCCSPA representatives met with the Council of Regents to produce a submission on college fees in a collaboration that we believe was the first of its kind. This was the only submission on fees received by the minister prior to the March 23 tuition and ancillary fee announcement. We feel the results were worth the effort.

Two of our major requests have been acted on by the minister. Last year, as outlined in the submission, the membership effectively lobbied for a freeze on compulsory non-tuition-related ancillary fees and participated in developing a long-term protocol guideline for future student involvement in the setting of ancillary fees. Secondly, the minister acknowledged a request to develop an income-contingent repayment plan with the involvement of the federal government and student leaders. On September 22 and 23, ministry officials and federal representatives, college administrators and student leaders met in Toronto at the ICRP conference to discuss and develop a plan.

OCCSPA-APECCO recognizes the changing role of the Council of Regents, and we have accepted to work with the council in creating college standards, addressing prior learning assessment and continuing joint initiatives.

Now Cynthia will discuss governance and what our association sees as the future.

Ms Hilliard: The Council of Regents sent out a discussion paper in December 1993 to review the governance of colleges. Our association had many things to say about the current structure and made recommendations for change. We await the final document and hope that our recommendations will become part of the final report.

At a general meeting, members met to discuss the issue and formulate a response. Some suggestions made by OCCSPA-APECCO were:

The election procedure needs to be standardized when electing the student board of governor. It was discovered that colleges use a number of different methods to include a student. Student elections need to be overseen by the student council and the board of governors, whether the election is in conjunction with the student association or part of the board process.

Another suggestion is the number of student board of governors be increased to two. Additionally, the council should consider increasing the number of official observer status, voice but not vote, to allow for the diverse student population and to encourage more students to participate in subcommittees—the benefit is a committee of specialists—and student board of governors need to be accountable to their constituents, and mechanisms should be devised to assist the student to do so.

In conclusion, every year a new membership provides the distinct personality for that particular year. This process ensures flexibility and opportunity for participation within the association. The annual goals and objectives are set by the membership at our summer conference.

OCCSPA-APECCO grows each year as it fulfils its commitment to the strategic plan. Our future plans include a permanent office outside the Council of Regents' office, hiring a full-time staff to assist in the completion of our goals, increasing systematic research and continuing commitment to voicing student concerns.

Finally, OCCSPA-APECCO has no other stake in this review or any other provincial issue than the quality of education.

The Chair: Thank you very much, Ms Hilliard. We're starting the rotation today, rightly or wrongly, with the government members and Ms Harrington, and it's five minutes per caucus. The rightly or wrongly isn't the government members; it's the order that I get the caucuses in.

Ms Margaret H. Harrington (Niagara Falls): I thank all three of you for coming this morning. It's been a very interesting presentation. I understand you're coming to my city of Niagara Falls in November for a conference. I'm sure you'll have a good time.

I think the most important question is do students, through your organization, have sufficient voice and say in the process? I think you've addressed that, certainly to

some degree. Probably you're going to tell me you need more and you need assurance that your voice will be heard. Maybe you could comment on that.

I think the other thing I would like to address as well is the important question of the role of the Council of Regents. One of the things that has been brought before us over the last three days is the College Standards and Accreditation Council and whose responsibility that should be. You did, I believe, mention it in your submission. I don't believe it's part of your written submission here. I would like you to clarify what your opinion is as to whether that very important work should be done by the Council of Regents. I think you did touch on it, but it's not here in the printed matter, is it? So could you address those two issues?

Ms Hilliard: Okay. The first thing you wanted to know is whether or not we felt we had sufficient representation in all the committees that we participate?

Ms Harrington: Yes, whether or not your voice is being heard adequately.

Ms Hilliard: It's being heard, but I think there's room for more. I think there are times when there's more that we have to say that kind of gets lost, where if we had more representation on the various committees, our voice would be stronger.

As far as the role of CSAC—CSAC is a distinct body, as we said, and that's the way we recognize it, that it's separate from the Council of Regents and that it is very important. However, it's my understanding we're looking at the Council of Regents and not CSAC today, so that's where I will leave that comment.

Ms Harrington: The Council of Regents is responsible for the work of CSAC, so there is a direct relationship there. Are you satisfied with that?

Ms Hilliard: Are we satisfied with that?

Ms Harrington: Because what we have heard is that the board of governors of the colleges want it to go to ACAATO, the responsibility for the accreditation system.

Ms Hilliard: We have a fear of that as we mentioned, as Paul mentioned. With that happening it's not going to—as it stands now, the Council of Regents takes from the broader public. It takes everybody in and takes all the stakeholders and gets everyone involved, so it's a more rounded process. Our fear is that won't happen because they are not—who are they accountable to? They're not accountable—like, with the Council of Regents, they're accountable to the government plus they themselves are made up of the various stakeholders, so therefore they're accountable to all the different stakeholders, and we feel that's very, very important.

Ms Harrington: Okay. So you've made your position very clear.

Ms Hilliard: Yes.

Ms Harrington: I think my colleague has a question as well.

Mr Kimble Sutherland (Oxford): Yes. I guess the question I wanted to ask was regarding the comments that have been made that there are concerns about the College of Regents' budget being increased. We heard on Mon-

day from the College of Regents that the only reason their budget has increased is to do two special projects: the prior learning assessment and the standards and accreditation council. Does it concern you that this has been given to the College of Regents to be responsible for?

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Ms Hilliard: Does it concern us that CSAC and PLA are under the Council of Regents?

Mr Sutherland: Yes.

Ms Hilliard: Not in a bad way. We think it's a good thing. I don't think I'm qualified to comment on the increase in the budget; however, it's important. Those two issues are very important to us as students and the money needs to be there in order for them to be able to do the pilot projects.

Mr Sutherland: Again, picking up on the comments in terms of response to your question to Ms Harrington is the fact that you believe the College of Regents, though, is the most likely body to do that because it represents all the stakeholders in the system rather than just one or two of the stakeholders?

Ms Hilliard: They're the only body.

Mr Daniel Waters (Muskoka-Georgian Bay): Just a quick question, because one of the things that we picked up on was that about a third of the student body now are people who have come back out of the workforce, adults.

Ms Hilliard: It's larger than that.

Mr Waters: I was wondering how well they're represented in your body. If they're not well represented, is there something you're doing in order to get those people active? Because traditionally, they probably—

Ms Hilliard: We represent the full-time students of colleges of applied arts and technology. I don't know if you know the stats, but sitting on the school-college linkage, the way it goes, of the students who enter college 40% are from high school and 60% are not. Therefore, a majority of our constituents are not children or kids. Yes, we represent them. A great deal of our members who participate very actively are mature students.

Mr Dalton McGuinty (Ottawa South): Welcome to our committee. First of all, let me begin by congratulating OCCSPA for its good work and particularly the leadership role it took regarding income-contingent repayment plan and especially the ancillary fees, because your work there in fact has resulted, I think, in significant benefit, not only to college students but to university students. Congratulations are due there.

I guess the other comment I wanted to make is that it's really unfortunate we only have a half-hour, because I only get to raise issues during the course of five minutes, which really is inadequate when I think we're dealing with a very important stakeholder in the college system.

I wanted to touch on the college restructuring steering committee. I'm not sure if this is being considered right now, but one of the things I asked the presidents about is this idea of some of the programs that we offer at our colleges. Particularly the technical ones involve some

very expensive equipment, and if we're going to continue to strive for excellence in the kinds of programs we offer, can we afford to offer an excellent program of a particular variety at each of the colleges?

In other words, I think we offer radio broadcasting or technology broadcasting, something like this, at 11 schools, 11 colleges. Somebody said, "Listen, maybe what we should be doing is talking about offering it at five regional centres." You'd do your first two years at your local college and your final year at one of the centres. From a student perspective, I know that's going to mean some disruption—you've got to get up and move out of town—but are there any other issues that I'm not understanding? How do students feel about that?

Ms Hilliard: Mainly, we think it needs to be looked into more. I think Tracy wanted to comment on this.

Mr Fleming: I'm just going to mention that I think it's a very important point that you're raising, but recognize that the community colleges were meant to be just that: community-based colleges. That's why there are such a number of them; there are 25 now. I was reading over the mandate, and the words "equity" and "access" are used extensively throughout the mandate of the community colleges. It's important that we maintain that in terms of not having one or two colleges that specialize. Maybe this isn't the view of the entire association, but there's a concern that you could be creating almost a third level of education. Maybe 20 years down the road you're going to have to create another system to do just what this system was intended to do, to create the equity and the access.

Mr McGuinty: Right. I understand and I hear where you're coming from. My only concern is, how do we maintain the community focus for some of our more expensive programs, given fiscal constraints?

I want to move on to something else, if I may: the prior learning assessment. We're talking about developing fees. I'm wondering what your view is on that. I don't have all the information on this, but does that mean that if I'm 27, I'm a single mom, I've got two kids, I've got some life experience, some work history, and I show up and I say, "Listen, I want to know how much advance standing I have," my college is going to say, "That will cost you \$300"? Is this what we're anticipating here?

Ms Hilliard: At this point in time, that's speculation. The thing is, with the money that they need to implement the programs to see where it's going, I think it's important that we look at that. I don't think we're qualified to respond to that right now. It's all talk. It's a concern that we have, yes, but we're involved. We're on the committee. We're involved in the process.

Mr McGuinty: OCCSPA hasn't developed a formal position on this yet, I guess?

Ms Hilliard: No.

Mr Fleming: If you were to mention something regarding the PLA process, though, I would strongly urge—I heard a hint of this the other day and I haven't confirmed it, but if you're at a college and you take the challenge exams, which are a fairly lengthy process, and if there is a fee involved, I certainly couldn't speculate on

the amount, but I would certainly hope that process could be standardized so that I can be tested in my home region and take that test to any college in Ontario. I would hate to have to go through that same testing procedure at every single college and I would really hate to have to pay for it at every single college I applied to.

Mr McGuinty: I want to ask you if you could describe briefly for us what the retention problem is.

Ms Hilliard: Pardon me?

Mr McGuinty: Why do we have problems retaining students?

Ms Hilliard: It's very difficult to do it briefly; there are so many different factors.

Mr McGuinty: The number one issue, the number one problem.

Mr Fleming: A couple of months ago, I spent a weekend at Kempenfelt Conference Centre in Barrie. We spent probably about 14 or 15 hours a day on a retention conference that was sponsored by the Council of Regents, organized through the Council of Regents. The retention issue is a huge one. The biggest problem with retention is the ability for us to track students and the ability for us to statistically understand where they are. We're very good at making surveys and taking them; we're not very good at keeping the information, correlating it and understanding it down the road. For instance, right now what's happening is that a student can drop out of second-year business and enrol in a tourism program. That person is now counted as one dropout and one enrolment. They're not coordinated. You can see how the numbers are all over the map.

I guess the basic issue is that it comes down to student success, what does it mean to be successful in college? On my council, I had a lady who was doing an excellent job. She was in a program; she was doing an excellent job on the council. She happened to get a job offer in the field that she was looking for, a very good job offer. She took the job, she left the college. She dropped out of her program, but she was considered to be very successful and she's still very successful today. It comes down to, how can we maintain and keep the records and how do we interpret them and how do you define success?

Ms Hilliard: If I could go back on that, if I may, just for one brief, quick second, in our response to the restructuring we've recommended that there be one student ID number from the time you first enter school. It would help for the tracking purpose and then, in reality, we'd know how many people are dropping out, because we don't have realistic figures. As Tracy mentioned, there are too many things that are happening.

Mrs Dianne Cunningham (London North): Welcome, Paul, Cynthia and Tracy. Good to see you again. There's never enough time, but I just wanted to say it's refreshing to have consumers here to talk to this particular agency.

Really, I was one of the people who asked to have this agency on the agenda of this particular committee, because there seemed to be some confusion around the roles. It's not new—there's been confusion around the roles of the Council of Regents for a number of years—

but in particular we've had, in my opinion anyway, some unfortunate communication problems, perhaps. The day-to-day stuff has made us believe that there's been unnecessary tension between the colleges, the boards, the presidents and the Council of Regents.

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From my point of view, where I represent the public, I pretty well follow the regulations with regard to the legislation around the role of the Council of Regents, the responsibilities. I also look at budgets. We do have a council here that does have a couple of major programs within its jurisdiction that are very expensive: CSAC and PLA. I don't think there's anybody who wouldn't agree that these things have to happen. Some of the college presidents said that they have happened before. Prior learning assessment is something that colleges have done. I think that basically is the controversy.

The president said that CSAC and PLA should probably be—to quote from their document “Consideration should be given to incorporating the College Standards and Accreditation Council and the prior learning assessment secretariat within the existing college structures.” Some have mentioned ACAATO, but that's the operations portion of their brief.

The numbers are these: The base budget in 1991-92 for the Council of Regents was \$671,100, and it fluctuated, but in 1994-95 it's \$634,700. They also have a human resources component which I don't think even Richard Johnston wants. I mean, why should he have a bigger budget around things that he doesn't feel are his? But the CSAC has gone from \$98,700 to \$1,249,000, and the prior learning assessment over four years has gone from \$139,700 to \$446,600. At a time when everybody's looking at the social contract and the colleges are getting less money and there are more students, that's the main beef in why we're here.

You said you weren't qualified to speak on this, but I'm wondering if you do know anything more than what's already been discussed with you today with regard to CSAC or PLA, and do you think these programs could be incorporated within each college?

Ms Hilliard: My comments to that: From what I understand, with CSAC and PLA being under the Council of Regents money is being saved because it's doubling up on some things. Is that not correct?

Mrs Cunningham: That's what Richard Johnston said, yes.

Mr Tony Martin (Sault Ste Marie): That's right.

Mr Sutherland: That's correct.

Mrs Cunningham: Excuse me, that is what Mr Johnston stated. What we're saying now, what the colleges are saying—

Mr Martin: Are you calling him a liar?

The Chair: Mrs Cunningham has the floor.

Mrs Cunningham: Mr Martin, that's ridiculous.

Mr Martin: That's what you said.

The Chair: Excuse me, Mr Martin. Mrs Cunningham has the floor; you will have your turn.

Mrs Cunningham: Madam Chairman, I would never

refer to Mr Johnston as a liar or anything else. I want you to know that.

Mr Martin: What are you saying then?

Mrs Cunningham: I don't feel I have to answer your question on the students' time, for one thing. I will discuss it with you later.

What we're looking for here are efficiencies in two programs that should have been taking place not only four years ago but prior. We're trying to get the walls down between the colleges and universities so you can go anywhere. We're looking for efficiencies.

I would personally not agree that we're saving money by having it under the Council of Regents. In saying that, I'm not calling Mr Johnston a liar. What he is talking about is his own administrative salary. He's running both programs. They may have had to hire somebody else to run both those programs separately at a certain salary, and if that's a cost saving, I would certainly agree with them. I'm talking about all of the people who are hired to get it done. You know what I'm saying, Cynthia.

Ms Hilliard: Yes.

Mrs Cunningham: How do you get these things done without it becoming another big bureaucracy as opposed to something that should be happening within the colleges all the time?

Ms Hilliard: I have several comments to make on what you've said. First of all, I don't think that we should be sacrificing these programs, the quality of them getting through. As far as PLA goes, you said that it's been implemented before, but nothing's been standardized. It's different from college to college. It's got to happen, it's got to be standardized, it's got to be done by a group outside the colleges. It cannot be done within the colleges because then it won't be standard. You'll have different levels for different colleges. The same thing goes for CSAC. We need system-wide standards, and with it piggybacking with the Council of Regents we are saving money instead of creating another bureaucracy, the fact being that the only body that can do it is doing it well.

The Chair: Thank you. The time has expired. We appreciate very much your appearance before the committee this morning.

GARTH JACKSON

The Chair: Our next deputation is Mr Garth Jackson. Mr Jackson is the chief executive officer of the Ontario Training and Adjustment Board and is also the former president of Canadore College. We're happy that you're here before the committee this morning.

Mr Garth Jackson: I welcome the invitation of the standing committee to appear before you this morning and offer some observations which I hope might be useful in the review you are undertaking of the Ontario Council of Regents. The views I bring to you are those formulated in my previous role as college president and in my current appointment as chief executive officer at the Ontario Training and Adjustment Board.

My direct association with Ontario's college system commenced with my appointment as campus principal at Fanshawe College in London, Ontario, in 1970. During

the intervening years I have been privileged to hold appointments at Georgian College in Orillia and Barrie, George Brown College Toronto and, most recently, Canadore College in North Bay. During this involvement, I have formed opinions of both the college system and the role of the Ontario Council of Regents in building what I consider to be a remarkable instrument of social and economic policy for the good of Ontarians.

As I have reflected on the role of council during these years, the overwhelming constant has been the capacity of council to bring focus to the development of the system, to keep the system accountable and to advocate on behalf of the system with government.

In his speech to the Legislature announcing the creation of the college system, the then Minister of Education, Bill Davis, stated the mission to be that of assuring that every Ontarian might have the opportunity to achieve his or her full potential regardless of formal qualifications.

The role of council in assuring that each college was created to meet this mandate cannot be overstated. More than one new board of governors held a view that these new institutions should mirror universities and be created in such a way that colleges should grant degrees within a five-year period. The consistent element in guaranteeing that a system took shape providing a type of education not available in Ontario was the focus brought by council. It was council which corrected the course when necessary through the appointment of governors and through a demanding schedule of visits to each college where the governors and administration were challenged to justify course and program decisions against the mission stated by Mr Davis.

After two decades of service, the government of Mr Peterson required a complete review of the college system to assess its effectiveness as part of the province's learning infrastructure. Leadership for this project was provided by the Minister of Colleges and Universities, Lyn McLeod, who delegated the task to council. The outcome of this review, Vision 2000, involved literally thousands of Ontarians and was, I believe, one of the most exhaustive ever undertaken.

I can assure you, however, that not every board and every administrator in the system supported this review. But the issue—accountability—was right and the approach was right, as evidenced by the outcome. The impression with which I am left is that of the focus brought to the task by council.

Vision 2000 was released by Minister McLeod in the summer of 1990. Of course, all of you know better than I that a new Legislature was formed that fall and action on the review of the system was then in the hands of the current government.

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The three issues requiring priority action identified by Vision 2000 were a more accessible system; a system with much broader quality standards; and a system which had the capacity to assess and credit prior learning.

Indeed, the latter of these connects directly to the mission announced by Mr Davis: the achievement of

potential without regard to formal qualifications. Regrettably, the college system had not met this essential mandate requirement in its first two decades.

Again, the responsible minister, Richard Allen, turned to the Council of Regents to bring focus to these priorities: the first to be met through a review of the composition of the boards and the creation of French-language colleges outside eastern Ontario; the second through the creation of a standards and accreditation council; and the third through creating prior learning assessment capacity within the system.

Once again, I believe that every board and administration has not embraced the action necessary to achieve this course correction, but it is being accomplished as a result of the focus brought by council.

A further area requiring balance and innovation is that of collective bargaining in the college system. Regrettably, colleges have not had a stellar record in labour-management relations during their history. Without counting the number of strikes, it is important to note the view of government that all was not well, as evidenced by three major studies it commissioned touching on the issue: the Skolnik report which was completed in 1984-84, the Pitman report in 1986 and the Jeffrey Gandz report in 1988.

It is not my intention to address the causes of this blemish on the record of colleges. It is important, however, to comment and make observations on the role of the Ontario Council of Regents in respect to negotiations surrounding the most recent issue, the social contract.

All members of the committee will appreciate what a difficult process this was for those of us within the broader public sector. Without placing value on the initiative, I'm confident that the impact of the social contract will be pervasive on labour-management relations for years to come. What is important in the context of your review of the council is to look at the outcomes.

In round one, ending in August 1993, council and the bargaining agents representing faculty and support staff were unable to achieve agreement, resulting in the vast majority of employees falling under the fail-safe provisions of the Social Contract Act. Administrative staff members were provided, however, with a seat at the table and for the first time had the opportunity to be represented in decisions affecting each of them and their futures.

In round two, ending in March 1994, agreement was achieved with unionized support staff, although academic staff remain under the fail-safe provisions until April 1996.

One might assume that this outcome—administrative staff recognized, support staff partially covered, academic staff fail-safe—would exacerbate unacceptable labour-management relations. On the contrary, it would be my view that the balance brought by council to these negotiations has in fact resulted in greater understanding among the parties and a relationship healing more rapidly rather than wounded more fatally. Although it is evident from the outcome, I hasten to reinforce the fact that the better relationship is not the result of any giveaway by council.

The conclusion to which I am led, therefore, is that the role of council in creating a better labour-management environment is absolutely essential.

For those of you elected to provide good government, to identify and address emerging social, economic and cultural needs, I suspect one of the most difficult challenges is to achieve balance between our human need for stability and the public need for innovation which, by definition, is destabilizing.

Much of my life in Ontario has been devoted to the development and implementation of programs for those people who choose to attend college. At this point, I am firm in my conviction that the original design of the system is right and solid. Each government—Conservative, Liberal and New Democratic—has used the Ontario Council of Regents to be the agent of accountability, and this is a fundamental component of the need to embrace innovation.

In the coming months, the challenges before you and the college system are enormous: federal social security reform; Minister Axworthy's calling for the reduction of \$2 billion in transfer payments supporting post-secondary education; the end of the social contract; the continuing challenges in the economy for quality and productivity; and the need to create more opportunity for those who have been marginalized within our society.

The call to invention, innovation and creativity in all our systems and institutions is daunting. If you believe in the college system and its capacity to be reinvented, then I believe that the major vehicle of focus for change and accountability continues to be the Council of Regents, entirely consistent with the role it has played and the service it has provided these last two and one half decades.

Thank you for the opportunity to provide to you some of my thoughts.

Mr McGuinty: It's good to see you again. I was really interested to hear your comments about the state of labour-management relations at our colleges, and I look forward to the OPSEU presentation later this morning to get its perspective as well. But my impression has been that we're heading for a showdown upon the expiry of the social contract, and further, that many of the employees are unhappy. From their perspective, their rights to the historical collective bargaining process have been unduly abridged. I was very interested in hearing you say that things are looking up, because that's not the impression I've obtained.

Mr Jackson: In respect to labour-management relationships, I do believe that they are healing but I'm pleased to hear that OPSEU will be represented here and you can hear from them. It might be entirely different from my observations.

I believe there is a much better relationship between labour and management at this point than has been true in the past. That takes nothing away from the fact that April 1996 and onward is going to be extremely difficult.

The fact that contracts were in place and were agreed to, obviously, and fell under the Social Contract Act, and that the majority of the employees of the college system,

the academic staff, continue to be under fail-safe, is not ideal. I do believe there will be a price to pay for that at the end of April 1996.

Mr McGuinty: I want to touch on two other things, if I can, first of all with respect to OTAB. When OTAB has been referred to here during the course of the committees, the question has been, why don't we have representation? I don't want to cry over spilled milk. That ain't going to happen.

I guess I want to ask you: In your capacity as the head of OTAB, what assurance can you give our college people that, notwithstanding the fact that they don't have formal representation, they somehow will be represented? I mean, what do they carry? I'm told it was 70% of the training in the province.

Mr Jackson: I don't want to get into a debate as to whether or not it's 70%. I'll accept your figure on that. I think there is a misunderstanding as to what the role of the board of directors of the Ontario Training and Adjustment Board is. In my very brief experience, it does not appear to me that the board of directors is going to be involved in making decisions as to which deliverer gets what piece of a dollar spent to serve a client's need but rather the directors are much more involved, within policy-setting, on how we meet those needs.

I would assume that the right deliverer will be used to meet the need that is identified for a client, and that will very frequently be a college and will continue frequently to be colleges, but it will also be other deliverers.

The system is broad. It's comprehensive. We have great diversity and richness in the delivery agents in the province of Ontario and I think we'll continue to use all of them in order to serve a client's need.

The fact that colleges are not represented by a college person on the board of directors, it would be my view that's a misunderstanding of what the directors are about. There have been three directors so far representing educators and trainers: One has been a college person, one has been a university person and one has been a secondary school person. I think, from the group of five, each of those people has represented all of the education and training deliverers well in the policy discussions at the board.

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Mr McGuinty: If I may, I'd like to pursue that but I want to move on to something else. I want to draw on your extensive experience in the college system. You made reference in your written statement here to Bill Davis's vision of the community college system in the province. Given the fiscal constraints now—and you were here earlier when I talked to the students about the need to rationalize, and we may have to begin to offer some programs, or at least maybe the final year in some programs, on a reasonable basis rather than at each community college—do you see that as something that is mutually exclusive, beyond or contrary to Davis's vision or do you see it as merely an evolution of community colleges in order to achieve excellence in education?

Mr Jackson: I think there's no doubt that there must be some programs that are specialized within the entire

delivery system in Ontario. I don't dispute that. I do agree fully with the response that you received from the students this morning, that the vision was to have community-based institutions that provided opportunity for people in those communities.

I think about all the people, as I'm sure you do, who cannot move out of those communities to take advantage of opportunity, the single mothers who have commitments to children and cannot do that. Many people cannot leave a community where they feel a level of comfort, and I'm thinking particularly of newcomers to Canada, to go to some other location.

Many people who carry out full responsibilities are 40, 50, 60 years of age and don't find it possible to move. In fact, one of the great challenges for us at OTAB is going to be, how do we address these continuing needs in the apprenticeship system in such a way that people don't have to make the kinds of moves they've had to make in the past?

I don't believe that the solution here is in the creation, though, of a completely rationalized system. I don't believe that's in the best interests of Ontario. I think there are many ways to address the problem you're raising, a very significant problem, and a fundamental way is a much better connection between programs and business and industry within their communities. A lot of the equipment we need does already exist within the community, in existing business and industry. Better connections on that basis, I think, better partnerships, can go a long piece to resolving that problem.

Mrs Cunningham: Good morning. Thank you for being here. I really enjoyed your paper and you've had lots of experience. After the last outbursts I don't think—I have a great respect for the Council of Regents and there has been some criticism as to where those two projects were placed.

Actually, the deputy said yesterday maybe they should have placed them with the ministry themselves. He wasn't that concerned about it; I don't think anybody was, but it was one of those perceptions and I think it caused a few problems. I'm not sure about the finances, who does things. If you're going to do it well you're going to do it well.

But I am interested in your viewpoint because you've been part of the college system for a long time. Surely, we haven't been graduating all these years with no standards. I guess what we were looking at here were standards across the province for most of the courses. Is that what you see with regard to CSAC?

Mr Jackson: That's exactly correct, Mrs Cunningham. The concern or the problem identified in the Vision 2000 review was that indeed it was not an absence of standards in college programs. It was no system level of standards in the college system, and it was employers and business and industry who primarily raised that very serious concern.

The creation of a systems and accreditation council was the recommendation to try to bring that kind of system-based standard that everyone would be able to understand and accept. I do believe that needs to be done

outside existing college structures. I believed that when I was in the college system and I continue to believe that.

Mrs Cunningham: Well, if you're going to get something system-wide, it just makes sense to have it outside. But once you've developed these standards, is this kind of program going to have to go on for ever?

Mr Jackson: I do not know the answer to that. I would think that there is a period of very intensive work to establish standards across all program areas. Once that is done, I expect there is a continuing requirement for some standards and accreditation modification, because jobs and careers will change. But I wouldn't see it as nearly as heavy a workload as in the first five years, let's say.

Mrs Cunningham: All right. The other point that Vision 2000 identified as being a problem was the inadequate links with secondary schools and universities. I think in your job with OTAB all of this is a challenge for you, because if you're responsible for training, then we're really looking at all of our institutions. I'm not sure what you've got to tell us in this regard but I'd like your opinion, because the secondary schools are feeling that they're left out. They really want to be part of the training and they haven't been allowed to be to the extent—you mentioned the word "apprenticeship" and you know how I feel about that, so if you'd like to give some views I'd appreciate it.

Mr Jackson: Yes, I know that you feel very strongly about apprenticeship, Mrs Cunningham, and since going to OTAB I feel very strongly about apprenticeship too. The dilemma that we have, I guess, is that if you look at the delivery system in Ontario, those in it are essentially not going to be happy with any adaptation that means other players have to be recognized when the dollars are not going to be increasing; in fact, may be shrinking. So that's a dilemma for everybody.

One of the things that I think is absolutely essential and, I must say, something that I am very pleased about as I get to know more about OTAB is the fact that the major deliverers, the five major groups of deliverers, now must discuss these issues together and must do some of their own rationalizing as to who best can do what within the delivery system in Ontario.

I think that you particularly, with your long service to school boards and so on, will recognize that we do not have a history in Ontario of school boards and colleges and universities and private trainers and community-based trainers talking to one another. In fact, if we have even been in forums where we have been supposedly talking to one another, I think we've been talking past one another. Now it is time for those deliverers to come together and begin to look at how they can rationalize their service in supportive communities in Ontario. I understand the colleges' concern that they are not represented by a seat on OTAB. I believe they must accept that they are represented. They have much work to do within the reference group that represents all five parties.

Mrs Cunningham: Do you feel that the second part of Vision 2000, one of the major concerns—it concerns everybody to think that we don't have a system of standards system-wide, but the inadequate links so that

these things can't happen and that they're taking too much time. You know what it was like to get a program up with your local school board at any one of those colleges.

Mr Jackson: Yes.

Mrs Cunningham: It took so much time and effort and all the ministries were saying, "That's not our responsibility." Are you going to have something to say about this in OTAB? That's the last thing we need right now. It's wasting people's money to argue about whose jurisdiction it is.

Mr Jackson: I believe that fully. That is a waste of money and time. The issue we must address at OTAB and throughout the training and adjustment system is, what is the need a client has, who needs training or adjustment services and who can best fulfil that need? That's the issue. Sometimes that will be a college and sometimes it will be the Boys' and Girls' Clubs in Metro Toronto, sometimes it will be a university and oftentimes it will be a continuing education arm of a school board. But it must be who can best meet the need of that client for training and adjustment services, not who is getting what piece of a pie.

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Mr Waters: I've just got one. Other people really want to ask questions, so I'm going to have to be very blunt, I guess. I'm going to pick up on something that Mr Bradley missed this time around. I see him grinning but he knows where I'm going and I would like your comments.

Mr Bradley has had some concern, shall we say, over a period of time on this committee about why there isn't more representation at OTAB by colleges and universities. I know, from my experience of sitting in the caucus when this was coming through, I wanted to minimize the numbers on OTAB of colleges and universities because I didn't see that they were, in all my work history, doing the things that we needed in Canada. I agree very much with apprenticeships and with coops and so on. They're coming in kicking and screaming in the last few years. They have accepted it, but it's taken too long. I would wonder about your comments on that.

Mr Jackson: I have to come back to the point that it would be my view that there's a huge misunderstanding—and part of this is OTAB's responsibility to clarify it, mine in particular now that I'm associated with OTAB—about how involved colleges are in programming within the jurisdiction of the Ontario Training and Adjustment Board. I would hazard a guess that there are at least 60 committee connections between the college system and OTAB programs. I'd be happy to provide a list of these if that would be useful at any time. There is an enormous amount of interplay and exchange between OTAB and the college system.

It would seem to me that it's at the working level where the representation is important. At the policy level, where a board is dealing with clients and client needs and how best to serve those, not who the deliverer will be, I am having difficulty seeing why it's so important for the college system to feel it must be represented there.

Indeed, it must be represented there, but it can be represented by an education-trainer person on the board, and there are two of those: one university person at the moment and one secondary school person, who has just resigned and will shortly be replaced.

Mr Waters: Just quickly, I would like the list. I have two colleagues as well.

Ms Harrington: Thank you very much for a very thoughtful presentation and also for bringing a new aspect to our discussion, and that is the labour relations at the colleges. I really appreciate your statement here where you say the conclusion is that "the role of council in creating a better labour-management environment is absolutely essential," and also your statement that the role of the council is so clear in your mind in very many ways.

In conclusion, you mentioned here and you emphasized several times the word "innovation" and the word "focus," focus for change. Obviously, in our society any change is difficult for people, because we are human beings. But this has to be done and it has to be done in a consultative way and in a strong leadership way as well. Part of change is communication, a very essential part of making a change happen.

My question to you is: We've heard that there have been some, maybe, difficulties in communication between the Council of Presidents, say, or the Council of Governors and the Council of Regents. From your background as president of a college, is there any problem in communication between the Council of Presidents and the Council of Regents?

Mr Jackson: There are always communication problems, especially when you cannot bring complete clarity to everyone's role. That is just the way it's going to be. It's going to continue to be that way, I believe. Part of the communication problem is a natural tension between what I think is best and what you think is best.

The Council of Regents, it seems to me, plays an accountability role in respect of the people of Ontario. It looks at a system. When I was a college president, I guarantee you I tended to look at a community. I wanted Canadore College to serve North Bay the best it could and I wasn't too concerned about the service that was being delivered or the standards in Toronto or Sudbury or Ottawa. That's the council's role and there will always be tension around that.

It enforces, though, the importance of everyone attending to the communications issue, because to get the tension in control and have us all live and still feel that we have comfortable lives and useful ones, we want to be able to feel that we can work together, although not always agree.

Ms Harrington: Do you think it could be improved or should be improved?

Mr Jackson: It can always be improved and I think all the parties have to work harder at improving communication around these very important issues for the people of Ontario.

Mr Gary Malkowski (York East): Thank you, Mr Jackson. It's nice to see you again. I've seen you before

at George Brown College and at Canadore College. You were also involved in Red Deer College in Alberta as well, so also out of the province.

I want to talk about the accountability issue and the role of the council. Given that there is the social contract right now, and now the social reform that's happening at the federal level, there's talk of reduction of transfer payments.

You were talking about the problems with management and labour, tensions between them and the challenges faced there. Can you tell me what would be the potential impact after the federal government would actually announce a reduction in transfer payments for education and how that would affect the accountability issue for the Council of Regents?

Mr Jackson: I hesitate to even think about the impact on people needing the services of colleges and the possible reduction of transfer payments in the numbers being mentioned by Mr Axworthy.

I noted and was very proud today of the three students who presented themselves before you representing OCCSPA. I also noted their ages. These were not people who were 19 years of age, probably living at home with mom and dad. These were a young woman and two young men who I think were probably closer to 30, who probably have all kinds of responsibilities and have seen the need to continue to upgrade their skills. I think it's going to be very, very difficult to see fee increases for them or to see that those fee increases are somehow rather offset by some kind of enormous debt that they will have to incur.

The role of the Council of Regents, I think, in trying to minimize and mitigate that at a provincial and federal level is very significant. There must be one spokesperson for those students, the college system itself, the employees of the college system and the administrators of the college system in trying to make this important case for the good of those people who need to use colleges to upgrade their skills. I think the Council of Regents will play a very significant role in that.

The Chair: Thank you for that answer. That is all the time. Thank you for your appearance before the committee this morning.

ADMINISTRATIVE STAFF CONSULTATIVE COMMITTEE

The Chair: Our next deputation this morning is the Administrative Staff Consultative Committee, ASCC. We welcome the vice-chair, Cathy Zuraw, and also a member, Annette Frost. Ms Frost is manager of the library services of Fanshawe College.

Mrs Cathy Zuraw: I'll start with a few brief comments on the administrative staff employee group. I'll summarize the steps leading up to the formation of the Administrative Staff Consultative Committee, hereafter ASCC, because of course it's easier. This is an extremely important part of understanding our relationship with COR. I'll describe our current interaction with the Council of Regents and our position on some of the issues, and we'll conclude with a few thoughts of what our future relationship might be.

The administrative staff form one of the three employee groups in the college system. At this point in time they number approximately 2,000. While the support staff and academic staff have been organized and recognized as bargaining units for most of the history of the colleges, the administrative staff have been far less successful in achieving recognition and a representative voice. There has been a long-standing sense of disenfranchisement.

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There are local administrative staff associations at several colleges which are integral parts of the local college decision-making consultative process. In other colleges, there is no such formal structure in place. In 1973, the Provincial Administrative Staff Association (PASA) was formed. Those colleges with local associations paid dues to PASA as institutional members; those administrative staff in colleges without local associations submitted dues directly to PASA as associate members.

PASA's mandate was similar to what is reflected in the current terms of reference for the ASCC and in the draft constitution for a proposed self-sustaining professional association for college administrative staff. These are:

- (1) To coordinate efforts to achieve the best possible terms and conditions of employment for college administrative staff throughout the province of Ontario.
- (2) To coordinate and disseminate information of interest to college administrative staff.
- (3) To develop expertise and professional excellence within college administrative staff.
- (4) To provide a means and an infrastructure to present a common front on issues that concern all college administrative staff.
- (5) To secure through legislation, laws, and regulations provisions beneficial to the working, economic and social conditions of administrative staff.

PASA pursued this mandate based on the following three assumptions:

- (1) That the Council of Regents wishes to have a permanent mechanism for input from and consultation between the employer and administrative employees on matters affecting terms and conditions of employment, including salary and benefits.
- (2) That there is a need for a system of effective and meaningful interaction between the Council of Regents and administrative staff speaking as employees.
- (3) Finally, that significant aspects of terms and conditions of employment, including salary and benefits, will continue to be established provincially.

However, PASA was not officially recognized as the voice of administrative staff since only 35% of those eligible were actually members and some colleges had no members at all. This was not seen as representative.

PASA realized this presented an obstacle and proposed a consultative mechanism which would address the problem. This proposal was sent to the Minister of Colleges and Universities, and to the two previous chairs of COR. In October 1991, the president of PASA, Annette Frost, was invited to speak to the staff affairs

committee of the Council of Regents. Among the recommendations she brought forward was a need for some formal consultative mechanism to be put in place.

In August 1992, at the initiative of the Council of Regents, each college sent its administrative staff representative to attend the inaugural meeting of the ASCC. To facilitate the initial development of the committee, the chair of the human resources committee of the Council of Regents served as the interim chair. Early in 1993, the role of chair was assumed by an ASCC representative.

It's important for you to realize just how new the ASCC is. It began its official business by recommending salary and benefit changes in November 1992, recommendations that never reached the approval stage with the advent of the social contract.

The "consultative" part of the committee's name was deliberately chosen for the time and emphasized its advisory role to council and, as appropriate, through the council to the ministry. At the social contract table, it was apparent that administrative staff as an employee group could not be represented by the Council of Presidents or the Council of Regents, clearly the employers. For the purposes of the social contract, the ASCC was recognized at the ministry level as the bargaining agent for college administrative staff and did in fact reach a local agreement.

The ASCC had almost no time to evolve before being moved into intensive negotiations. There was and still is a direct link to the Council of Regents. The ASCC receives support from the Human Resources Secretariat in terms of information needs, establishing membership on committees and task forces, working on the obligations outlined in the social contract agreement and in subsidizing the cost of our meetings. In its original concept, it was not expected that the full ASCC membership would need to meet more than twice a year. The social contract has changed that.

Our agenda is primarily dictated by the agreements reached in the local agreement. The most significant of these is the undertaking to create a self-sustaining provincial professional association of college administrative staff. Should 50% plus one of the eligible members vote in favour of such an association, the Council of Regents is committed to voluntary recognition of this association as the official voice of college administrative staff.

A draft constitution, including the proposed the mandate, is being distributed this week to all administrative staff. The proposed vote will take place in late October. Because of the partisan nature of this activity, I feel we should mention that PASA is assuming the costs for the ASCC newsletter, the legal fees associated with the constitution and the voting process.

I have mentioned PASA. I should explain: PASA activities were suspended in September 1992 as an expression of support for the ASCC and its evolving agenda.

In simple terms, a vote in favour would enable the formation of a professional association which would not be reporting to nor be subsidized by the Council of

Regents but which would be recognized by them as the official representative voice of college administrative staff.

In addition to the creation of a professional association of college administrative staff, the ASCC continues to have on its agenda issues and concerns that have been raised consistently by administrative staff for the past 20 years, the first being consistency in salary administration across the province; second, due process and performance evaluation and severance; third, job security; fourth, workload.

These are the ways in which the Council of Regents now involves the Administrative Staff Consultative Committee:

—In input on issues and participation-representation on committees and task forces as OPSEU, the Council of Presidents, the Council of Governors and other parties would have been consulted; the administrative staff have not been consulted in the past.

—In sign-offs of agreements, often involving project funding, at the local college level.

—In encouraging attendance at the human resources committee and the Council of Regents meetings to report on activities and concerns and to be briefed on the major issues.

—In disseminating information of importance to administrative staff at the local college level.

As a result of this heavy agenda, the 23 representatives on the ASCC find themselves challenged with more opportunities to participate than their timetable can accommodate.

The social contract has put us out of sync with our natural evolution, has thrust us into total involvement at a time when we do not have the network and the organizational structure in place to deal with these opportunities and responsibilities as effectively as we may wish to.

At the local college level, the individual ASCC representatives have an increasing role in college affairs which neither they nor their local college community fully understand as yet.

For reasons already mentioned in this statement, ASCC does not feel it is yet in the position to have an informed opinion on many of the issues that are being discussed at this table. Despite having submitted a brief position paper on governance in April 1993, we've not had the time to develop the level of understanding necessary to deal with the very complex issues raised.

I'll depart from my script here. While I would not say individual administrative staff are not informed, I am saying that to collect the opinions of the staff and put them in a position paper is not something that we have been able to do.

Governance has not been an ongoing agenda item at our ASCC meetings, although we are aware of the media coverage, nor has it been directed to ASCC representatives from the grass-roots level to bring forward.

In our current relationship with the Council of Regents, new and limited as it might be, the council has been cooperative, interested, communicative, encouraging and

helpful. The sense of disfranchisement and of not being listened to can hopefully be considered something of the past, as we are now a recognized partner in the conduct of business at Ontario community colleges.

By the end of October we'll know the results of the vote. Whether the future holds a revamped ASCC or a fully fledged administrative staff association, college administrative staff hope to position themselves in such a way as to be involved fully and to offer informed and considered opinions on any issues the system may raise and to raise for the system issues and concerns that need resolution. This will be best accomplished by maintaining with the Council of Regents the positive and productive relationship that now exists.

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Mrs Cunningham: Welcome to the committee. Did you drive in from London today?

Mrs Annette Frost: No, yesterday.

Mrs Cunningham: I think the labour-management environment has always been for almost any public institution, or probably maybe a private business, something that people have to continue to work at. One of the main responsibilities, of course, of the Council of Regents is in that regard since the beginning of time. We've been warned because of social contract by many of the participants in these hearings that we will have some challenges down the road.

The previous presenter said it well when he said, "The conclusion to which I'm led, therefore, is that the role of the council in creating a better labour-management environment is absolutely essential." We know that we're going to have some more challenges, and we have had over the years, in collective bargaining. Now we've got the challenges of the social contract. But you've got another one, because you're trying to get yourselves organized.

I'm glad to hear that the council has been helpful. What do you think the outcome will be of your vote? Have people had enough time to—

Mrs Zuraw: We really can't say at this point.

Mrs Cunningham: No. But you've got enough people getting your point out and talking to others in the colleges?

Mrs Zuraw: That has certainly been part of the ever-growing role of the ASCC representative. We have tried through newsletters and other things to get the message out. I don't think we're different from other employee groups inasmuch as we are incredibly busy in the colleges right now and sometimes things like this are put aside, important as they are, to get to the business of the college.

Mrs Cunningham: Why did you wait so long? It's been a long history of the colleges.

Mrs Frost: I would imagine it's a matter of opportunity. I think the social contract created a climate where it became self-evident that administrative staff was not represented at the table and needed a voice. This point has been tried to be made since 1973 and earlier, but it was the social contract, the realities of the negotiations, that made that point painfully obvious and led to the

recognition that something has to give here. Ironically, after more than 20 years, the administrative staff, who had always been seen as the same as management, being part of management, was clearly left in the field as an employee group that needed representation. So the willingness to accept the ASCC for the time being in its interim role as the negotiating partner came about and was sanctioned by the minister.

What will happen after the social contract of course is anybody's guess. Particularly, we have to wait for the vote in October. If the administrative staff of the colleges are not totally in favour of creating an association, then of course we will have to look for other alternatives. That will be a very clear message.

On the other hand, if the vote is affirmative and the association gets going, then again it remains to be seen, once we get out of the social contract, what role the association is allowed to play in continued communication and consultation with the council. I would believe the support and willingness of the presidents to buy into this communication vehicle would play a significant part in the future success.

Mrs Cunningham: The administrative staff probably had tremendous challenges in the last couple of years, and especially this year—I know a little bit about Fanshawe—with more students being admitted to the colleges but having less money.

Mrs Frost: Correct. I think Fanshawe is in the same position as any other college. You have to support more accessibility but with shrinking support dollars, with shrinking staff numbers etc. Particularly in the absence of any union contract, it is easier to not replace an administrative position or to eliminate positions than if you're dealing with a unionized group.

I think the reduction in administrative staff in the past four to five years in the system has been significant, and all this additional work had to be picked up by the remaining people. So workload has become a horrendous challenge.

Mrs Cunningham: What about for the teaching staff? Are the classes a lot bigger?

Mrs Frost: I am positive that the teaching staff have also witnessed an increase in workloads because of increased class sizes. Yes, there has been that trend, indeed.

Mr Martin: It's really good that you're here, being a fledgling employee organization, and that, however limited, you have your say. Certainly we as a government are committed to the exercise of employees getting together and speaking collectively on things that impact on them and speaking to employer groups and the government around what will make you more comfortable in your job so that you can deliver services to the people who come to you in a more thoughtful, effective and helpful manner. I think it all goes hand in hand.

Just for myself and perhaps for some others out there, since you are new to the table and came forward, as you said, more aggressively since the social contract process than before: Who are you in the college system? Who would you be when I walk through the door at the

college system, and how would I know?

Mrs Frost: I think we would be anybody who is paid by the Hay system, and in terms of hierarchical structure we may be anyone from an administrative assistant, excluding secretary, to a vice-president.

Mr Martin: So you would in many instances be the people who keep the place going in between sessions, classes and meetings, sort of the glue that keeps it together—really, I think, an important group—and have an important function to play and contribution to make to the whole system.

I would think in the exercise that you're going through now you would then probably fully understand how important it is that there be a group such as the Council of Regents at a provincial level setting standards, if not for the level of education that goes out—although that's what they're doing now through the CSAC operation—setting standards re the question of how much people get paid so that it's not different from one community to another, and that kind of thing.

I would perhaps from that perspective ask you to comment further on what you think is the role of the Council of Regents into the future, whether in fact it should exist, and, given that it has helped you so far in the way that it has, your feeling about it as we move towards the next millennium.

Mrs Frost: The colleges enjoy a great deal of autonomy, but when it comes to the salary administration and the benefits of employees, and that includes the administrative staff, a great deal is negotiated and determined at the provincial level. The Council of Regents is very heavily involved, partly in gathering the information, providing opportunity for input, so that they will then be in a position to make their recommendations to the minister for implementation.

When it comes to administrative staff, because of this role the council has had in the past and which we feel will be a role they will continue to have, they are a very significant partner in communication and consultation to effect changes and improvements to those elements that are contractual to our working environment. It is the only avenue to achieve changes to the terms and conditions of employment. This is clearly out of the hand of the local college. All of this is determined centrally, and for us to improve our working environment at each local college, we need a very strong central direction and partner in achieving these changes. I don't know if I make myself clear.

1130

Mr Martin: Your preference then would be to negotiate provincially as opposed to college by college.

Mrs Frost: At the moment that seems to be what is happening. If in the future the system changes—and there has been for many years talk about an employers' association, so the Council of Regents could easily, if the politics so indicate, be replaced with another body. Then it would mean that the administrative staff would have to have a good working relationship with that body, be that again a provincial, major body or a local college affair. So whatever the structure is that will either be maintained

or be put in place in the future would be the structure that we would have to work with, and hopefully successfully so. But at the moment, that's the council.

Mr James J. Bradley (St Catharines): One of the paragraphs in your submission says, "The social contract has put us out of sync in our natural evolution and has thrust us into total involvement at a time when we do not have the network and the organizational structure in place to deal with these opportunities and responsibilities as effectively as we may wish to."

One of the concerns expressed by individuals in the employ of the public sector, in various aspects of the public sector, has been that despite efforts to apply the social contract as fairly as possible—and the government has indicated that was its desire—in fact there have been circumstances where it either has not been applied as fairly as possible or there is a perception that it has not been.

In your circumstances, is there a feeling among the people you represent that in fact you have been treated differently or less fairly than others under the provisions of the social contract?

Mrs Frost: I would suggest, Mr Bradley, we were the group that negotiated a local agreement, and the OPSEU support staff was able to negotiate a local agreement a year later. Whatever was negotiated there that was not covered in our contract, we had an agreement that our contract would give us exactly the same as anybody else would negotiate thereafter. So in that regard the contracts have been upgraded and they're equal, and we feel that they have been respected so far. There have been no problems experienced, and any of the commitments that the council made in the contract have been lived up to and all the appropriate committees and working groups that were promised are in fact in place and working very well. So during the social contract time that we're experiencing now, I don't think there is any sense of grievance or let-down.

Mr Bradley: You have indicated that there's a heavy agenda now, that there's a greater amount of work being placed among those whom you represent, and yet you haven't had an increased staff to do so. In fact, you may have had some decreases, depending on the categories and the circumstances. Does that continue to be a problem?

Mrs Frost: I think the observation with regard to decreased staff and increased workload was more in terms of being an administrative staff member at the college. In terms of having inherited tremendous challenges as an ASCC member, I think that is another matter altogether. There are colleges that have local administrative staff associations, and to be an ASCC representative at a college that has an ASA is a very different proposal than to be working in a college where there is no structure at all. So some of our ASCC committee members are facing horrendous challenges in fulfilling the obligations that arise because of the social contract and because of the function that we've inherited, being the negotiating partner for the administrative staff. It's that challenge on the 23 people that I think is the more significant in the context in which we are speaking here.

Mr Bradley: You use such moderate language when you use the word "challenge." It's often a moderate word used to describe something that may be more difficult, so it's interesting to hear your—

Mrs Frost: Well, we try not to panic.

Mr Sutherland: You're a moderate person, Jim. You would appreciate that.

Mr Bradley: Absolutely. I am a totally moderate individual in every possible way.

Is there an anticipation among people you represent that despite what the Treasurer's had to say—or is he now called the Minister of Finance? Mr Laughren has said there will be considerably more money back in the system to meet the challenges of working conditions and to meet the individual financial challenges that people have. In other words, more wages and better working conditions may be flowing after the social contract expires. Despite what the Treasurer has said, is there an anticipation that you see more money coming into the system and that you expect higher salary or wages and better working conditions?

Mrs Zuraw: Among administrative staff at this point I would say no.

Mr Bradley: There's not that anticipation?

Mrs Zuraw: No.

Mrs Frost: Well, whatever comes, I think that we would expect equity.

Mr McGuinty: Is that a moderate word?

Mr Bradley: I will be interested to hear what the next group says when I ask the same question.

The Chair: Thank you for coming before the committee this morning.

Mr Martin: On a point of order, Madam Chair: Might I put just a couple of things on the record while we're waiting for the next group to come up? There was some information shared this morning by Ms Cunningham on the budget of the CSAC group that wasn't quite the complete picture, and I felt it would be important, given that we're trying to understand the full operation of the Council of Regents and for the benefit of research as well, that the full picture be laid out there. It would take me just a minute to do that.

The Chair: You could do that at 12:30. I don't wish to keep the deputation waiting.

Mrs Cunningham: I would suggest that what I was reading from was page 8, if I can just put it on the record.

Mr Martin: If she's going to do that, could I—

The Chair: Excuse me. We will deal with it at 12:30. I wish to proceed with the deputation at this point. Thank you.

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ONTARIO PUBLIC SERVICE EMPLOYEES UNION

The Chair: I'd like to welcome to the committee Mr Dean Barner, who is the chair of the OPSEU CAAT, academic, and Mr Jay Jackson, who is the chair, OPSEU CAAT, support. Welcome. You do have one hour, and I know that—

Interjections.

The Chair: Excuse me. I think we're showing some discourtesy, Mr Martin and Ms Cunningham.

Mrs Cunningham: Madam Chair, I—

The Chair: No. We've agreed to deal with this matter at 12:30. I respectfully ask both members to show some courtesy to the deputation so we may proceed.

Mr Dean Barner: Thank you. I'm used to this, by the way. My classroom's much like this.

Mrs Cunningham: Do you teach second grade or the first grade?

Mr Barner: Just to introduce ourselves—Jay Jackson of course, who is the chair of support, and he'll be reintroducing. I think Tony had asked us to put our backgrounds to our faces, as well. I'm a faculty member for 24 years in the college system. I'm in my third college, at Canadore, and you heard from my past boss about an hour ago, Garth Jackson. Jay is simply going to outline how we're going to proceed.

Mr Jay Jackson: I'm a support staff worker at Sheridan College in Oakville. Support staff workers across this province do secretarial work, technical work and all those things that, as I think I heard earlier, make the college run. The former deputation were workers who were in supervisory roles and there are some 7,000 other workers who take the direction of those supervisors.

What we want to do today is—I believe you have a prepared text and Dean is going to walk you through that. Following that, I have six other points that I will allude to and then we would be delighted to take any questions and respond to them.

Mr Barner: We are here today representing respectively 6,800 support staff and 9,200 faculty at Ontario's 25 community colleges. We are here because our members not only have a significant stake in how colleges are being governed, but also because we believe we have a key role to play in determining appropriate forms of governance and in determining where the college system is headed in the next century.

This role not only is mandated by the immediate concerns and security needs of our members, but also is necessitated by a common, sincere desire to see the Ontario college system work to its fullest potential. Incidentally, we believe we share this desire with every administrator and governor in the college system, and likely with every speaker who has spoken to you thus far.

We thank the committee for inviting us to present the views of our members and we are especially grateful for your quick response in revising your schedule of presentations to accommodate not only our student leaders whom you heard this morning, but also more time for our own presentation. We will appreciate any questions you may have following.

Firstly, let us begin by saying that we have been critical of the Council of Regents in the past. Undoubtedly, you've been hearing many presentations which began by saying how much they appreciate the Council of Regents and then proceeded to say how much is wrong about COR and how they have exceeded their mandate etc.

We'd like to offer the opposite perspective. We believe that they are just now starting to do a good job which one might cynically suggest is the primary reason for this committee review.

In the past, we have commented on and criticized much of COR's behaviour or lack of behaviour over the last 27 years of CAAT's existence. At times, especially during our three strikes, COR had seemed a needless barrier between our members and those who controlled the colleges. In its early years, COR seemed to epitomize the worse example of a three-piece-suited white men's club which was sadly out of touch with Ontario society, let alone what was occurring and what was needed in Ontario's colleges.

We in OPSEU were vocal in our displeasure of COR's role, and we were alone in our efforts to lobby the former governments to take a serious look at revamping and reconsidering COR.

We take some credit in recognizing that there has been a concerted redirection of COR over the past several years. Reconstituting its makeup is just one such example. We are pleased to say that COR is just now beginning to ably perform its role as a cohesive leader of the college system, as a lobbyist and proponent of the CAATs, both internally in the government and externally in Ontario society.

Finally, COR is now performing its role as the appropriate governing body whose primary mandate is to ensure the health and continued excellence of the CAAT system. One only need look at its recent leadership in PLA, prior learning assessment; CSAC, college standards and accreditation; restructuring, advanced training, schools-colleges articulation etc to see that COR's role has been and will continue to be the key to the success of these initiatives. We hesitate to think of these initiatives under the guidance of either the ministry or ACAATO, the essentially self-serving old boys' club of the college presidents.

In fact, it is our contention that the primary reasons for COR's being placed under the microscope by your committee is a tribute to its finally fulfilling its appropriate role. By COR's ability to distinguish itself, it's made waves which have caused the sort of reactions you might expect from those with vested interests and different visions of the college system about which you've likely been hearing in the past several days.

As you are undoubtedly aware now, the Council of Regents has significantly reduced its powers during the past 27 years.

Although from time to time the minister may assign COR a particular project such as college restructuring or a major endeavour such as CSAC and PLA, in fact all that really remains to COR's power is the approval of new college board members and the overseeing of collective bargaining in which its role really has been that of a facilitator between the parties.

Not only has COR made significant progress in the former, the approval of college board nominees, which we'll comment upon in more detail later, but COR has certainly put its own house in order as to its own makeup

to reflect genuine, appropriate interest groups with laudable equity group balance.

As we both now attend Council of Regents' meetings as ex-officio invitees, which COR had only recently begun, by the way, we are convinced that COR members now exhibit a keen commitment and concern in making the colleges work, in making the colleges more responsive to their communities and in making leadership decisions that will facilitate colleges in becoming state-of-the-art education and training institutions in the 21st century.

COR has put its act together in such a way that all 25 college boards would do well to emulate.

In its relatively minor role of approving college board members, COR has ironically and inappropriately incurred far more criticism than is warranted. We'll say it again: It is our opinion that COR has only in the past few years started to fulfil this role effectively, and COR has achieved this by no longer rubber-stamping college presidential nominees but by actively encouraging college boards to seek the best, most representative board members in their communities.

The mere fact that COR has incurred so much resistance from some presidents and local boards, and intensely in at least one college which has represented its views to you already, should be a surprise to no one. In fact, such resentment over COR's fulfilling this role is a clear sign that this job must be done centrally and that there remains obviously much to do to ensure appropriate equity and constituency makeup of boards.

To speak plainly, COR has laudably begun to break the old-boys fiefdom of college presidents who historically have been appointing their friends to be their bosses.

It really comes down to a question of leadership, and we're happy to admit that the past two chairs of COR have been instrumental in proving that COR has been worthy of its role as a leader of the college system. We would like to think that this role may have been shared by the ministry, but clearly the past several years have demonstrated that the ministry is simply too large and diverse, as well as steeped in the bureaucracy which only inhibits and frustrates the real changes that are needed in the college system.

Let's be clear that we don't use the term "system" lightly. We in OPSEU firmly believe that we have a college system in Ontario and not a system of colleges that the Council of Presidents and its mouthpiece ACAATO like to purport. This is one of the several points which distinguishes COR as a leader and why the presidents or ACAATO will never likely satisfactorily fulfil that role.

The college system has evolved. We have grown after 27 years into a system with similar dreams and goals, with similar programs and student and employer needs, with similar aims of standards and accreditation which allow students easy accessibility anywhere in the province and guarantee employers consistent excellence in our graduates. We hope there is no turning back of this direction. We hope the days of colleges competing against each other to the detriment of everyone are over

for good. We as labour partners have always worked together well provincially, and we hope that in some small way we have contributed to this change. Tough financial times have forced us to work together and we can only win with such cooperation.

Yet some presidents seem quite affronted by this direction. They see their power bases eroded by such initiatives as CSAC and PLA, which is understandable of course, but several seem to have radically different goals for their colleges. They not only question the colleges' mandate to provide education and training, but they also have dreams of evolving their colleges into quasi-universities, and more particular so-called autonomous status unfettered by ministry or COR-type demands, perhaps even unfettered by student or employer or taxpayer demands.

This is wrongheadedness and similar to the unresponsive self-centredness currently being displayed by Ontario's universities. These institutions, universities, are quickly becoming the dinosaurs of education and training. The college system is already beginning to outshine our universities, and this is partly due to our ability, our eagerness to evolve and change and grow into a system with one primary purpose in mind: the betterment of Ontario's citizenry alongside enhanced economic development.

No doubt earlier presentations have adequately listed the many accomplishments of the Council of Regents, but let us make some additional comments on these successes from our point of view. First, Vision 2000, CSAC, PLA etc have been successful we believe because of one primary principle: they were codriven projects in an atmosphere of collaboration and cooperation from all stakeholder groups. This culture was introduced and fostered by COR.

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Look at the endless number of earlier college initiatives and royal commissions which still gather dust in some deputy's back room. They all failed because there was no partnership among the interested groups, no buy-in, no consultation. All were products of a management style that viewed the colleges as businesses and treated its employees with 19th century labour-management practices.

One only has to look at the sad history of our college initiatives which were driven only by backroom academic dilettantes far removed from the people who have been making the colleges work.

These labour relations have not been unique to the colleges. Look outside of our college system for a minute to understand why the restructuring of universities and school systems has failed so miserably. There simply was no constituency buy-in to foster the initiatives, and this was largely because university and school faculties were frozen out of the process.

Let's be clear: Any leader can make people work, perhaps not fruitively or happily, but they'll work, and when the colleges had lots of money, really any management style would do. But only a true leader will facilitate an employment atmosphere that will encourage people to

work to their fullest potential. COR, under its past two chairs, has started to admirably assume this latter style of leadership.

Five years ago, our two OPSEU divisions, over 15,000 college staff, had no representation on provincial committees other than those dictated by our two collective agreements. Today, we have over 200 different faculty and support staff driving such committees, each elected or appointed by our executives. This is empowerment in the greatest sense of the word.

These people are representing their faculties and staff to make the colleges grow, to share opinions and listen to and learn from their colleagues, to make our system competitive, to make colleges viable in the next century. We believe this wouldn't have happened without a single-minded, concerted vision as displayed by COR in recent years. We pray this leadership style will continue. There is simply too much at stake to backtrack now. The province just can no longer afford the old management style that has been so prevalent in the colleges.

Lest we be accused of pushing the centrist theme too much, we certainly respect and wish to maintain a strong college environment which will reflect and effectively deal with local needs. It is not a question of either/or, but both, a central system balanced by each college's right to address its own local environment. Our central union and union locals are based on this very same balance.

In conclusion, let us say that the colleges have gone through considerable change for a variety of reasons in the last several years. Much of the change has been good: increased access; better mobility for students; closer relationships to those groups on each side of us in the spectrum of education, the universities on one side and secondary schools on the other. But much of it has been bad: unchallenged growth at the expense of quality, crisis funding driving academic policy, the implosion of the Ministry of Education.

In spite of these pressures, in spite of both desired and forced change and restructuring, in spite of the unbelievable pressures our employees are under, we believe we'll still come out winners. But we can't do it without real leadership. We can't do it alone, nor do we have much trust that the presidents or ACAATO or our reorganized ministry can rise to the task.

We have a proven leader in COR that we've come to respect and work well with, because they have come to respect us and have realized they can't do it alone. We've known this fact all along, especially after decades of being frozen out of any real decision-making in the colleges.

The Council of Regents has been a catalyst of change which has brought our labour relations into the 20th century. With your encouragement, perhaps we'll see it lead the colleges into the 21st.

Mr Jackson: I'd like to now talk about six points further to our prepared text.

First, I'd like to talk about ACAATO. OPSEU's view of ACAATO is more or less an employer volunteer organization they've created for themselves. Typically the people who belong to ACAATO are several hundreds of

administrators who deal with the concerns of administrative issues. It's our view as OPSEU that ACAATO does not have any official standing within the system, has no authority nor, in our view, does it have any credibility. In the past, as labour leaders, our historical relationship with them is somewhat modest. In fact it has been none. It's only now that we are trying to reach out to them and they are reaching to us to see if we can create some association with them. That is in its very formative stage, and quite frankly we don't hold out much hope for any long-lasting relationship with ACAATO as we have developed with Council of Regents.

It does cost money to operate ACAATO. In fact, the dollars come directly right off the grants that go to the community colleges. Those dollars could have been used more effectively in the classrooms to deliver education to our learners in the province. As I have mentioned, hundreds of administrators are going to dozens and dozens of ACAATO committees and really dealing with issues of administration. That is a cost and an expense both at the central level and at the local level.

In contrast, the Council of Regents is a centrally funded organization directly from the treasury. There's no burden to the colleges in that kind of context and we really feel that's the best way to keep it.

The next issue I'd like to talk about is CSAC and PLA. You've probably realized that those are two initiatives that came from Vision 2000. Vision 2000 is quite close to me, personally. Apart from being a labour leader and a 20-year employee in the college, I am a learner in the college. I graduated from a college in 1975 and became an employee of the system. I was a part of Vision 2000, along with about 30 other people who are on the steering committee.

That steering committee was in a partnership. There were all leaders: union, management, university presidents, business leaders, senators, and CSAC and PLA really were birthed there by consensus. It was felt that to achieve the goals of those two significant committees to cause change in the system, the only place to effect that change would have been to create a central authority to ensure that happened. Ms McLeod, the Minister of Education, or Colleges, I guess, at that point in time, agreed with us, and that in fact is what happened.

I guess as a learner in the system and just coming right down to issues, particularly with CSAC, that has always been one of the problems in the college system, that even within its own institution, one department or one division did not know what another division was doing, and when that got magnified to 23 community colleges it became worse. You've heard, I believe, from the students who have also echoed that important desire to have standards breathed into the system to make community college education valuable.

The third point I would like to talk about is leadership. I believe Walter Pitman has spoken to the committee, and in his openness has actually indicated he was wrong a few years ago in his view that there should be local controls.

What is needed in the system, and we as OPSEU agree, is a strong leadership in the centre. COR has the

vision and it has demonstrated it for the record to achieve that goal.

Our fourth point is governance. The Council of Regents has taken a leadership role on the question of governance and that was directed by government to achieve. What the issue is here is to make governance more democratic, more equitable and responsive to community needs in a provincial environment. This has been OSPEU's agenda for many years and we strongly encourage the support of further governance renewal. We see the committee of presidents and the Council of Governors opposed to changing their governance structure as it upsets the status quo they have enjoyed for so many years.

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My fifth point is dealing with collective bargaining. I understand one of the briefs, I believe it came from the Council of Presidents, was dealing with matters of collective bargaining. I guess as a union we do have some concerns with collective bargaining.

My first point is, government has turned its mind to the issue of change of collective bargaining in the colleges. In fact, it was the Liberal government that turned its mind to it a few years ago and commissioned Jeffrey Gandz to create a report on collective bargaining. That report was received by the Liberal government and started the process for bargaining renewal. Currently, there's a bill in this Legislature, and I believe it's somewhere around second reading, that deals with collective bargaining matters. It's Bill 23. We would encourage the government to review that bill and all members of the Legislature to forward that bill through the House.

To deal with those issues of local bargaining, we believe there is no need to alter the methodology and arrangement that we have in dealing with a collective agreement in a centralized fashion. Both our collective agreements provide for appropriate opportunities to provide for local application and unique characteristics that may appear from time to time in the 25 colleges.

Last, the issue of head office. There is really only one head office and that really must be the Council of Regents. They are the agency of government that is going to ensure government's mandate is properly being carried out, and that is really the responsibility of government, to ensure that the excellence of post-secondary education in the Ontario college system will be there for the citizens of this province.

Mr Martin: Thank you very much for an excellent presentation. I just wanted to start by sharing with you my understanding of what's gone on in the province in the last few years and how the college has attempted valiantly to respond. It's a picture that I don't think everybody needs painted, but every now and again it's important to paint it. We've had probably the most difficult few years that the province, that this country, actually, I guess recessionwise that the world has experienced in a long, long time, a restructuring of unprecedented dimensions.

I wanted to say that in my relationship with my local college in Sault Ste Marie, being as it was actually

coming apart at the seams sometimes because of the numbers of people who were unemployed, looking for opportunity to be retrained to do something with their time that was productive and constructive to prepare them for the future, and given that we as a government were in a situation where revenues were going down for the first time in the province's history, you and we together, and particularly I would say you folks in the classroom, did some I think miraculous things to try and help people. It needs to be said that we appreciate that.

There was some talk here over the past week that perhaps our college system wasn't up to par or up to snuff or as good as other places or whatever. I suggest to you that it was and that we as a government now, with the Council of Regents and with the participation of yourselves and the student groups that spoke this morning and certainly others, are trying to come to terms with that.

The Vision 2000 document that you personally participated in I think was an excellent example of a previous government being proactive, recognizing the challenges that confronted us, and I think we picked up the torch and carried it forward. Out of that, we had a couple of things that were indicated or recognized as being of prime importance: the CSAC standards committee setting common standards across the province and the prior learning assessment tool. We felt so strongly about them that we decided we also needed to spend some significant money on them.

Just for the record, I think it's important that we recognize what kind of money has been and will be spent because I'm going to ask you a question about that, because it's going to be I think inferred later in the discussion that this money would be better spent in the classroom, perhaps, which would affect you directly, and I want to ask you about that.

The CSAC operation didn't exist until 1993-94. In 1991-92 and 1992-93, the money that was spent on CSAC was only for the establishment of committees and stakeholders and pulling it together. CSAC operated for only about eight months in 1993-94 and cost about \$800,000 and then will actually operate for the full 12 months in 1994-95 and will cost \$1.2 million. We certainly feel that's money well spent that will pay dividends down the road and allow the college to be healthier in the future.

I guess the question I have of you, re that CSAC has become such sort of a central point of discussion here over the past week is—and in fact is probably that area where the Council of Regents at this point in time feels very much the need to move so that we can better this system and take it on and struggle with it along with a few other things—where should CSAC operate out of? How does it operate in an arm's-length, objective way so that everybody benefits and it does carry out the mandate and role it was expected to by yourself and others?

What are your thoughts about the money that we're spending on CSAC, given that perhaps if we didn't spend it there, we might in fact have it to spend in the classroom, which is a criticism that's been made here? I'd like some comment from you on that.

Mr Barner: I certainly agree with you, first of all, that the system has risen to the occasion during these tough times. I think we're coming through better than when we started. CSAC is a good example that not only, as Jay points out, was it born from a consensus point of view, and all sides I think are certainly still behind it; we're driving it really as a bargain. This is a tiny fraction of our overall moneys coming from the province, some \$800 million. We're looking at maybe around a million dollars, as you point out.

I guess I wouldn't agree with your premise that this is money that may otherwise have been spent in the classroom. This is going to be ultimately enhancing what we're doing in the classroom. Now that we have 25 colleges, it's about time that we stopped wasting money by reinventing things 25 times. CSAC is going to help us get on the road to set a course that's going to be ultimately a much more efficient system and we're only going to be winners from it.

Mr Jackson: Just to add to that, I believe the council's role in creating CSAC was more of a midwife attitude. Clearly, the vision is that CSAC has its own powers and own budgets. In those formative months where a lot of things weren't in place, it was the Council of Regents that took a leadership role, recognizing that this was an extremely important element in the college system that needed to have a successful start. I believe now the CSAC board is there and is currently seeking a leader to chair that very important committee.

Just to underscore again, it's germane within the whole purpose of what Vision 2000 saw as being, say, critical or on the knife's edge of causing all sorts of other change without a standard in programs across all 25 colleges and into colleges so people, learners, can have transportability within a college and across the college system and into other jurisdictions, into universities and to other provinces. That's prime. It leads into access issues; it leads into other learning outcome issues; it really leads into how much we spend in post-secondary education.

Are we overteaching or are we underteaching? In the past, nobody knew what kind of quality was there. So it really comes down to an issue of what is excellence and what our citizens in this province are paying for.

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Mr Martin: What about the question of where CSAC should be located or where the home should be? ACAATO came here earlier in the week and suggested that it should be the body holding that.

Mr Jackson: We believe that ACAATO is in itself an organization that believes in a decentralized model, that supports local autonomies. We don't believe they would take effective control over something that absolutely requires to have a central vision in its central administration. I suspect, in a cynical sort of way, if you want to ensure the demise of CSAC, leaders would give that to ACAATO and that will ensure that it will not succeed.

Ms Harrington: You've made that very clear, that question of where CSAC should be.

First of all, I want to commend you for the job that you have done. I know on Monday when we started I

spoke with Richard Johnston about the situation of the enrolment increasing 35% over the last four years and the funding decreasing by 25% and we wondered how close to the line it was getting with preserving the quality of education. So I certainly commend you. You have shown the front-line workers especially—that is, yourselves—how to do it and obviously that same type of restructuring will have to go on in all public institutions as well as private companies in these times.

I was a little surprised by your very strong language here when you said "the old boys' fiefdom of college presidents" etc, but it's certainly interesting to hear your opinions. I note quite a long while ago I did teach briefly at Niagara College and Mohawk College.

What I wanted to ask you was regarding the appointment of internal members on the boards of community colleges. How have you found that has influenced the boards of governors?

Mr Jackson: I guess the internal constituent members have been a struggle. It was I think very largely to OPSEU's initiatives, and once again with a former government, that an openness to democratize the boards was seen as being something advantageous to the colleges.

Let me say that in many of the boards, and even today, those internal governors are treated in a fashion of second-class citizenship. They are not seen to be part of—full status as governor. In some colleges, however, they are treated as equals and in fact can aspire to the lofty roles of chairing finance committees and board management committees and determining the direction that the college will go. That is more the vision that we have in mind. A governor is a governor is a governor.

I guess the really key question in our minds is, the board in a college is the president's employer. In too many of the colleges it would appear that the presidents still maintain an awesome control over their boards. Just to look at a college board in Sudbury, there's been a lot of stuff in the press there and what's happened with the power of presidents and the roles of boards. I believe that the committee may be aware of that.

Ms Harrington: So you're very firmly behind having internal people on the board and having them participate.

Mr Jackson: Absolutely.

Mr Waters: I've asked this several times and I guess I'd like your opinion. With the mature students coming back to college—after all, you're the front line—how is that going, and is the college evolving to deal with the problems those people have, that they've been out of college for a long time? They're not in the regimen of going to school but, at the same time, because of their families and all of that impacting on them, they want to get the skills and training done so that they can get back and get into the workforce. So, very quickly, could you comment on that?

Mr Barner: It's not unique to the colleges, certainly. When we talked to the university faculty associations they experienced really the same situation. It's been a great challenge, but I think we are meeting the challenge. It's a dynamic that when I started back in 1969-70 I

couldn't imagine. I was older than most of my students, I guess, in those days—I probably look ancient—but today, the amount of baggage that students are bringing into the classroom just floors me. For me to harass somebody to get their homework in or paper in or whatever it might be, and when I hear a story that is much more complicated than anything I've ever lived through, that is a humbling experience. But we are certainly adjusting to it.

Mr McGuinty: Welcome to the committee, gentlemen. I had heard from some of the technical faculty people in my home town of Algonquin, and in fact they made a special presentation to our local MPPs in connection with gen ed. They had some very real concerns about the impact this would have on the quality of the programming as they saw it. They felt that it was going to detract from the vocational component and that they were going to turn out students who would be less prepared rather than better prepared to meet the challenges they'd have to face in the world of employment.

You would have a system-wide perspective on this. I'm wondering how you've met that new challenge. There's been no additional funding, no new class time; how have you been able to address that?

Mr Barner: I guess it's maturity, to some degree. I won't even talk about it provincially; let's talk about it personally. I was hired back in 1969-70 as a general education teacher. When the colleges were created, they were created with a fairly clear concept of two thirds vocational teaching and one third general education. What had gradually happened over the next 20 years was that it became almost 100% vocational training and education, so my sort of teaching has become quite marginalized in terms of what I originally was hired to do, which was humanities, a bit of philosophy and teaching English.

Right now, for example, I still teach just in the journalism area and am almost teaching core journalism-type subjects. So this is the kind of cycling, I think, that we're seeing coming back to the system. It's being driven, interestingly, not so much by the internal people such as myself but by the employers who are now coming back and saying: "Wait a minute. We just don't want a tunnel vision type of employee. We want more of a well-rounded person who's going to be able to fit into various roles in his or her career etc." I think we are, again, rewriting that position. I don't think we should have lost that to begin with, perhaps.

Mr Jackson: Just to add to that, that whole discussion of general education and generic education was also the focus of Vision 2000. It came from a recommendation and that's why it's here. Just to underscore Dean's comment, Vision 2000, the steering committee and the government of the day felt that it was important, in the post-secondary environment, to give learners the opportunity to have a wider education rather than this narrow-focused training skill that may be useful to an employer for a period of time but then, once the skill was lost or the technology changed, they didn't have any other place to go.

So I believe that what's being breathed into the system is something around a 20% element of general education

and that's really, in my view, quite modest in the scheme of things.

Mr McGuinty: I gather you would be very much against or opposed to an employers' association which would act as the bargaining unit for college presidents?

Mr Jackson: I alluded to collective bargaining matters and I believe, when you look at the bill, it provides for an employers' organization to do collective bargaining. So I'm sort of curious to hear all this discussion and debate about an employers' organization where in fact it's envisioned in a piece of legislation that's stuck somewhere in the House. I would encourage government and opposition members to turn their minds to Bill 23 and expedite.

1220

Mr McGuinty: Your comments are well taken. I look forward to seeing government action on that.

One of the things the presidents talked about, and I want to get your feedback on this, is that maybe some issues could be dealt with locally and others centrally. I'm just throwing that out; it's very generic, but how do you respond to that?

Mr Barner: From our perspective, we believe that the system is satisfactory the way it is in place. Both of our agreements have ample room for local flexibility addressing local needs and concerns. I think that's the appropriate balance that it should and must be. I don't think that needs to be enhanced, the way it presently is. I think we're better served by the balance that's available there now.

Mr Bradley: We've had people comment on this, and different people have different opinions. I'm thinking of OTAB now, the Ontario Training and Adjustment Board. How do you like the position and place you've been given in the Ontario Training and Adjustment Board?

Mr Barner: The position in terms of—

Mr Bradley: The community colleges' position within that.

Mr Barner: This is, again, something that's very near to both of us, because we've been doing an awful lot of work internally and with our parent union, OPSEU, to try to position ourselves as well as we can to ensure that the colleges are well represented. We are driven, of course, in this not only as a concern of seeing the best training being done, but we have a great number of employees whom we represent whose jobs are not protected, frankly, as we make this transition into OTAB.

What we are a bit frustrated about is that we are not sensing, either internally in the government or by our management partners, of driving the same type of agenda to protect these employees' interests. Yes, we are very much concerned and we're very much trying to position ourselves in a much more comfortable situation than we presently are. I believe the biggest fear is that we may well be left to whatever is going in the local boards as they come about, and that's not a very comfortable position to be in around the province.

Mr Jackson: Just to add to that, in the ideal world one would like to think that you have your person sitting in the seat designated for the colleges and in all the strata

of OTAB and the local boards. Sometimes that works, sometimes it doesn't. But more importantly, it's the people who are ultimately chosen and elected and placed in those seats. The key to us is, how open are they going to be to listening to our voices through all the various mechanisms that will be there for us to cause that dialogue? Our agenda is seeking partnerships. OTAB will unfold and really, I suspect, maybe three or four years from now we will all be able to look backward and see how successful all the discussions have been and how the colleges have fared through the whole operation.

We believe that OTAB—it's public money and our prime focus is that public sector dollars should be spent in public institutions. The Ontario college system represents an investment of taxpayers' dollars of about \$1 billion and we feel that those other taxpayers' dollars that are going to be training dollars should be flowed through our colleges in Ontario. We are strategically placed, with 25 colleges in some 900 locations, and that's the ideal situation to serve both employers and workers in this province.

Mr Bradley: My next question deals with the funding of the system. Four long-time colleagues of mine have made very compelling cases over the years for funding. Richard Johnston, who is a former critic in the field of Colleges and Universities; Robert Rae, the member for York South; the Treasurer of this province, now the Minister of Finance, Mr Laughren, who came from the community college system; and Mr David Cooke, who is the Minister of Education and Training, all made compelling cases for significant increases in funding for the community college system.

It was revealed by Mr Johnston that you've had an enrolment increase of 35% in the last few years and a funding decrease of 25%. How ever have you coped with that kind of funding, when I was led to believe by my good colleagues that even when you had 10% increases, if that would have ever come about previously, it wouldn't have been enough? How do you cope with this lack of funding?

Mr Barner: We have coped, I believe. But I think if it continues, we're going to certainly cut into the quality that we're providing. I guess the biggest problem with funding, from our members' point of view, is that it has been so unfair. We look at both sides of the spectrum of education below and above us, universities and the high schools etc, and they're getting almost double what we're getting per student, and that's probably one of the best-kept secrets from the taxpayers in the province.

Mr Bradley: Yes, I think you're right.

Mr Barner: I think that is just basically unfair. We're doing, I still think, a good job, but we could do a better job. I think there has to be more parity in that regard. I don't know if I've gotten all of the parts of your question.

Mr Bradley: Yes, it is a great concern, because I remember that happening. I worry about that, and it leads me to the next question you heard me ask previous individuals: What do you anticipate at the conclusion of the provisions of the social contract? It's 1996 it expires. Is there an anticipation that the lid will come off and that

the funds will be flowing and that all contracts will be restored, or do you think you'll be like MPPs, who are in the middle of a six-year pay freeze with a pay cut in the middle of it, and you have no anticipation of ever recovering?

Mr Jackson: I can lead on that. I guess 1996 is sort of Orwellian. I suspect nothing is going to happen on that particular day. You know, the sky is not going to fall. As far as we as a union are concerned, we have entered into agreements for support, at least, under the social contract, our local agreement that repatriates or puts back what we lost through the social contract period. That has been done and achieved, the target that was assigned to the college sector.

What happens in 1996? We are a union and we will bargain—that is our nature—and what increases come out of collective bargaining will be there. The colleges' responsibility as employer is to know the kinds of responses that they can meet with us at the collective bargaining table. As far as labour relations and costs of payroll and benefits and those things are concerned, it's very much up to a particular round of collective bargaining somewhere in 1996.

Mrs Cunningham: I've met Jay before.

Mr Jackson: Hi. How are you doing?

Mrs Cunningham: It's good to see you again. But I haven't met Mr Barner. Pleased to meet you. What college do you—

Mr Barner: Canadore College in North Bay, the same as Garth Jackson.

Mrs Cunningham: Yes, you did say that. That's right. So you know each other?

Mr Barner: Yes.

Mrs Cunningham: I wanted to ask a number of questions about Vision 2000 because we have an opportunity here for people who are right there in the field. I was certainly interested in your applause for CSAC and PLA, and I agree it's long overdue. The criticism, I think, has been where it was placed—

Interjections.

Mrs Cunningham: Sorry, is there something wrong?

Mr Sutherland: No, Dianne, there's nothing wrong. Keep going.

Mrs Cunningham: Good. I'm glad you said that on the record.

Mr Martin: It should be run by volunteers.

Mrs Cunningham: At any rate, you can imagine my involvement for a long time wanting some standards in our elementary and secondary schools too, which parents are calling out for now. Having been involved in Fanshawe College over the years, I wasn't aware of the fact that standards were such an issue until probably the last five or six years and I don't know why it just came upon me at that point. Perhaps we felt there were standards. I'm really happy to see it happen too and I think the criticism might be, rightfully or wrongfully, where it's placed, but it's been very interesting getting people's points of view at this committee, and that's what this is all about.

I was really happy to hear that you were so involved in Vision 2000. The system-wide standards I think are taken care of to a point, but where do you see us going from this point? I consider another couple of years for CSAC, but then does it level off? Because there's a tremendous funding amount involved in that particular program, in getting it up and going. How do you see it being maintained?

Mr Jackson: I see CSAC as being something that's going to take several years to fully implement. We're talking of hundreds of programs in our Ontario college system. There will be a significant consultation go on with all the colleges that are offering all the various types of programming.

Beyond that, it's any sort of bureaucracy that is created to keep a standard. There will need to be a monitoring, a review, a renewal. There will always be new programming coming along, there will always be new technologies that will be coming along, and it's germane in maintaining a standard, centrally controlled, to assist in that sort of activity.

1230

Mrs Cunningham: Is OPSEU going to make this part of your responsibility in some way, since you've commented on it today?

Mr Jackson: Yes, OPSEU, the labour partners of the Ontario college system, are there now and we will be there in the future.

Mrs Cunningham: The reason I ask that is I represent the public. It's hard to know all the right questions. I can remember some four years ago looking at the Ministry of Skills Development and meeting with people about manuals that were being updated about courses that were no longer taught. I'm not in the business of spending tax dollars on that, but I can't do it, so I think somebody within—I mean, I should be able to do it, but I can tell you right now I won't be able to do it, because you're there day to day, so we have to depend on somebody, and I think a partnership doing it is probably better than anything.

The other one was the inadequate links with secondary schools and universities. That was another one of the observations. I know that at the colleges, and I've visited all of them now, they talk about the articulation agreements and how time-consuming they are and how there's so much administration into it and how few students have been able to benefit from these opportunities. I wondered if you had something to say about this? Because that would be the secondary school college link? Is it worth pursuing? Should we be doing more of it? What's your opinion?

Mr Barner: The way I see it, it's part of all the same quilt. I mean, we're looking at PLA, which of course is recognized in prior learning. We're looking at the schools and colleges, which is just being tied up right now in terms of articulation between the school boards and high schools and the colleges. We're looking at the other side of that, which you're mentioning, the advanced training, which is also articulation with the universities. All of that is tied in with the whole standards question. Where we're

going, we hope, is to give better access and more moveability for students throughout the spectrum of education. Everybody agrees that has to happen, and all of those have a legitimate role within that situation.

If it takes time, it's going to be necessary, but I think we'll ultimately going to be winners because of it. There's too much duplication at every level of education as it currently exists. I think we're going to be able to eliminate a great deal of that and be able to have—I hate to use the cliché—"seamless education." We're going to be way ahead of the game once we've pulled it off.

Mrs Cunningham: Students from other countries advise us that this is true for them, and my own kids have gone from different institutions hoping to use their credits and haven't been allowed to, or have had to do another year for their degree, which is very expensive, and time-consuming for them too, and they didn't really think that they had gained that much because of it. I really wish you luck in that regard and I hope that the impetus for that comes from the colleges, because you're the ones who see these students on a day-to-day basis, and I don't think it has come from the government.

Mr Barner: I think it has in some ways, in the sense that there's been a change of philosophy from when I first started in the college system with almost the streamed approach. The students who came from the secondary schools either went into the colleges or went to universities.

We no longer are seeing that in nearly the same way. We're having a tremendous number of students who are coming from universities to get a skills set from the colleges, or going through the college system, maturing, finding out where they want to go in the world and going on to university, which I think is just as it should be. I'm not saying that we should be simply the feeder system for university as we might have in CEGEPs, but I think we're a viable alternative that should always be maintained with a close relationship so that students can transfer at ease. I believe we're headed that way right now.

Mrs Cunningham: Good.

Mr Jackson: I guess really it's a bigger question. While we are the colleges and trying to react to issues in the colleges, the issue really is CSAC, PLA and the articulation agreements. It all is education, and I will use the cliché of trying to make it "seamless."

There's a lot of money that's being spent in education in this province and I think that the issue is learners and how we, as educators and people supporting education both at elementary, secondary and post-secondary levels of the system, can ensure or make a higher percentage of our learners be successful. If it's a linkage that we can do with a high school or in a university, then that's wonderful.

I think all the partners in education are interested in this and are going to make it successful.

Mrs Cunningham: You must be concerned about the figure in the Vision 2000, which people say is not accurate, even the students today, of the 50% dropout rate. Are you going to be doing something about getting us better

information with regard to how many students complete courses? I think it's extremely important to know that.

Mr Jackson: That is a questionable number, I would agree. I think that any system needs to have good information to base decisions on. I don't know myself if the data collection is fine enough to determine those people who just move from one program to another program or move from one college to another college. I suspect that may show up as being a dropout, but in fact they have just moved within the college sector.

Mrs Cunningham: They mentioned something as sensible as giving the student the same number, the same student identification number, and they keep that number as long as they're in any college.

Mr Jackson: It's an excellent idea.

Mrs Cunningham: It seems almost impossible that we haven't done something like that. But I think part of this is the public are demanding more accountability because we're having to spend our money more wisely. To have good information means that we are more accountable.

The last question that I wanted to ask was with regard to OTAB. I was very concerned about the representation and tried to change those numbers with regard to the board so that the education community, all of it, could be represented. We weren't successful in that. I was interested in your comments to my colleague Mr McGuinty with regard to OTAB. I think that the flexibility you described, given the training needs for Canada—let's face it, that's what we're talking about here: We're educating students as Canadians here.

How do you see all this working? Because we're now going to have fewer of these local training boards. They're not going to represent the community the same way they did. If there were 48 community boards, now there are 20. Whatever it is—four, eight, seven—there are less of them. If you're going to be getting in the community colleges these training needs as recommended by these boards, plus your community, in any way you get them now, how are the colleges going to respond to all of this information or demand?

Mr Barner: If we start off cynically, our point of view from, I guess, an OPSEU point of view, a union point of view, is that OTAB, like it or not, has been almost a way of privatizing training in the province. Where we see it falling short is in not giving either a comfort level or a commitment to the colleges for what they have been created to provide, which is training in the province. I think that's the greatest shortcoming that needs to be addressed.

You heard Garth, of course, the CEO of it; that's certainly a concern he has. Jay and I have been working very hard for the last few years trying to work on what was that original memorandum of understanding as OTAB was coming about, to have some sense of guaranteeing the colleges 33 trainers of choice. I would still like to see that maintained at some point.

I would hate to think that the taxpayers of the province are going to lose the great infrastructure, as Jay points out, in the college system that we have. We have excel-

lent staff and faculty, we have facilities, and to now, all of a sudden, say to all the local boards that these are up for grabs with anybody who wants to compete against this I think is just not a good way to do business and training.

Mrs Cunningham: My experience in London is that Fanshawe has taken over some of the major training; for instance, in food services. They're filling that gap. They weren't chosen first of all to do it, but in the end they were the only group that could do it.

Mr Barner: That's a good point. We firmly believe, and from the union partner point of view, that in the long term we're going to be winners in training.

Mrs Cunningham: I do too.

Mr Barner: It's in the short term that we may well lose members, and that's what we of course don't want to see happen.

Mr Jackson: The thing that we have great concern over is the private trainers out there who will want to bid in and offer the courses that are going to be high-profit for them with low investment and leave the high-investment programs and courses to the colleges, those that would need to have massive cash infusion to create a lab or to buy a lot of technology so the learners can learn properly. That is a very real concern for us because really that's a bit of wrongheaded thinking, to let the college in the particular catchment just deal with those things that are going to be very expensive to train with.

The Chair: Thank you very much. We're out of time.

Mrs Cunningham: Perhaps I could ask about the whole issue of working with the community and the private sector like you're doing now. You'll still be, I think, very competitive if you continue your links, because if they're part of a program with you, then you'll be very competitive. Do you think I'm right in that regard?

The Chair: We're out of time; I'm sorry. Thank you very much for your appearance, Mr Barner and Mr Jackson, before the committee this morning.

Mr Barner: We thank you.

The Chair: Mr Martin, you wish to raise your question?

Mr Martin: Actually, I wanted to put some information on the record. I think I've done that in my questioning to OPSEU and I feel satisfied there.

The Chair: All right.

Mr Martin: However, I do have some questions that I'd like to put on the record for research in terms of what will come out of this and any attempt down the line to put together recommendations or whatever.

The Chair: Go ahead.

Mr Martin: Given that the focus of the week has been, to some degree, on the question of CSAC and where it should be and certainly the ongoing role of the Council of Regents and the evolution of other organizations out there that seem to be, at this point in time, looking for a role of their own re the governance of the college system in the province and the very pointed recommendation that, for example, CSAC would better fit under the auspices of ACAATO, I still don't really fully

understand, to be honest with you, some of how ACAATO operates and I have a few questions that I think would be helpful, if answered, for us. I do this for my own information, so that when we do get back to this and there's some discussion about it, I can participate more fully in that.

For example, what is the mandate of the Association of Colleges of Applied Arts and Technology of Ontario? What is ACAATO's budget, where do its revenues come from and how many staff does it have? Does ACAATO have sufficient existing resources to meet the staffing and other resource needs of the College Standards and Accreditation Council?

Does ACAATO have the resources to provide services in French? Is ACAATO recognized by the Ministry of Education and Training through a memorandum of understanding? How many staff are there at the Council of Regents? How many staff involved in CSAC and PLA have been seconded from the college system? What is the membership of the College Standards and Accreditation Council?

If perhaps those could be answered, it would help me in any further discussion we might have around this whole question as we try to be helpful in the evolution of the college system and the Council of Regents and all of the other organizations that are very sincerely interested in its healthy future.

The Chair: Fine.

Mr Waters: Actually, I have a request written out. Mr Martin, do you have yours on paper that we can just give to—

Mr Martin: Yes.

Mr Bradley: Where are all these coming from?

Interjection: It's in Hansard.

Mr Waters: One of the things that I would like to know is a request that legislative research provide information to the committee on the college enrolment trends, including general enrolment levels, federal seat purchases like UI and that type of thing, WCB purchases from us, Jobs Ontario Training and that, and indeed what the funding mechanisms for these various types of programs are.

The Chair: Any further direction to our researcher in preparing the initial draft report? Any further business of the committee? If not, I'd like to thank the committee for their attendance and deliberations this week.

Mr Bradley: Do we meet next week?

The Chair: Next week we meet on another matter. Next week we deal with appointments to—

Mr Bradley: Ah, my favourite.

The Chair: —the government agencies, boards and commissions. Thank you for attendance this week. The committee is adjourned.

The committee adjourned at 1244.

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Carr, Gary (Oakville South/-Sud PC) for Mrs Witmer

Cunningham, Dianne (London North/-Nord PC) for Mr McLean

Martin, Tony (Sault Ste Marie ND) for Mr Ferguson

McGuinty, Dalton (Ottawa South/-Sud L) for Mr Curling

Sutherland, Kimble (Oxford ND) for Ms Carter

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Troisième session, 35^e législature

Official Report of Debates (Hansard)

Wednesday 5 October 1994

Journal des débats (Hansard)

Mercredi 5 octobre 1994

Standing committee on
government agencies

Comité permanent des
organismes gouvernementaux

Intended appointments

Nominations prévues

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 5 October 1994

Mercredi 5 octobre 1994

The committee met at 1001 in committee room 2.

INTENDED APPOINTMENTS

The Chair (Mrs Margaret Marland): I'd like to call this meeting of the standing committee on government agencies to order. Today we are reviewing appointments by the government to our official agencies, boards and commissions.

JANIS SARRA

Review of intended appointment, selected by official opposition: Janis Sarra, intended appointee as member, Social Assistance Review Board.

The Chair: The first appointment review this morning is a selection by the official opposition party. I'd like to welcome Janis Sarra to the committee. Please come forward and have a seat and be comfortable. Ms Sarra is an intended appointment as a member of the Social Assistance Review Board. We will start with Mr Curling.

Mr Alvin Curling (Scarborough North): I too would like to welcome you to the committee. It is the government's intent to bring you on the board of a very responsible committee. Actually, the government of the day has been considered a backlog government. Now everything is backlogged, even in the social services there's a tremendous backlog, so you're going to face a situation with a lot of workload. I presume you are quite familiar with backlogs and heavy workloads?

Ms Janis Sarra: Yes, I am.

Mr Curling: The social policy area, the social review area, is one that will be quite focused on in the months to come. The pressure will be for reviews and all the appeals and the reassessment of people on social assistance. What makes you think you will bring qualifications to deal with these kinds of situations, where there will be a heavy backlog and there will be a stricter process of reviewing people who are appealing for social assistance?

Ms Sarra: In terms of the position at the board, first of all, I bring eight or nine years of adjudicative experience in an administrative tribunal, which I think will stand me in good stead. Part of those years were very heavy backlogs—or not backlogs so much; heavy case loads with limited resources. We were called upon to meet that need and I think that will stand me in good stead.

The other thing is that I also worked at city hall for a municipal councillor back in the mid- to late 1970s. One of the things I did was appear on behalf of constituents before SARB. I also worked with municipal administrators in trying to resolve some of the problems in terms of GWA.

So I'm lucky in the sense that I bring both an advocacy role from many years ago and, more recently, for the last eight or nine years, an adjudicative experience.

Mr Curling: This is one of many appointments coming through here. Some come through with per diems and some come through as nice contractual jobs that are offered to people. How did you come to know about this position?

Ms Sarra: I've been a full-time adjudicator, as I said; I've been with the Pay Equity Hearings Tribunal for the past six or seven years. I recently had my third child, and what I was interested in doing was moving to a part-time position with a tribunal where I had some expertise. I actually called quite some time ago, but they weren't looking at part-time positions at that point; they later contacted me and said they were trying to find new and effective ways of dealing with their case load and that they were going to consider this as one option. That's how it was initiated, anyway.

Mr Curling: The minister floats, from time to time, about social reform. Do you have any comments about the direction? I know it's a very difficult question in some respects, but you must have some thoughts about social reform, what the government is doing, because it will impact on what you do and the decisions you make. Do you have any comments about that?

Ms Sarra: From my perspective, I guess I would distinguish what my role will be as a board member, which is basically to deal with the cases in front of me on the very specific facts, from whatever the choices are of legislators generally in terms of passing legislation and regulations and implementing policy. My job is to interpret that policy as per the facts in front of me, so probably that's where it's more appropriate for me to comment now. I understand that may have implications for case loads, and presumably we'll do the best we can. I will, if I'm appointed, and I'm sure the board is right now.

Mr Curling: There's limited time. I'm going to ask my colleague if he has a question of you.

Mr John C. Cleary (Cornwall): Welcome to the committee. The one thing I would have to say is that local social assistance committees, municipal, feel that the Social Assistance Review Board leans towards the individual, that if they appeal a decision, most times the individual gets their way and gets a ruling in their favour rather than against them.

Ms Sarra: Would you like me to comment?

Mr Cleary: I'd like your comments on that.

Ms Sarra: Sure. From what I understand of the appeal rates, only about 50% are allowed, and in fact I think that's a drop from previous years, slightly. I think it used to be more like 60%. But I think the larger comment is that municipal administrators have a very difficult job and they're dealing with a huge case load. They're making decisions without the benefit of an oral hearing, and one of the advantages the board members have is that they have the parties in front of them, they can take the evidence under oath or affirmation, and they're in a better position to assess if all the information is there. I suspect that's where in fact the appeals get allowed, where the full information is on the table, both for the municipal administrators and for the person who's appealing.

Mr Cleary: Apparently, they had a workshop recently. I don't know where it was; it may have been in eastern Ontario, in the Kingston area. I know we had got letters from many of the administrators and that they felt very strongly about that, that with tight budgets for the municipal people, they didn't figure the cooperation was there with the Social Assistance Review Board. They figured that some of the claims they were having to pay weren't justified, and they would have liked to have appeared ahead of a commission like this, but time didn't permit.

Those are my comments.

1010

Mr Curling: Maybe I could follow up on a couple of things. There are a lot of images out there in regard to social assistance that are attached sometimes to certain ethnic groups, that they are the ones who are on social benefits more than anyone else. How do you feel about that? Are you familiar with the statistics? Do you feel they have been classified in the wrong way or in a bad way? How do you feel about that?

Ms Sarra: I certainly have my own personal views, but again, if I can come back to the appointment at hand, I think what an adjudicator really wants to do at the board is to take each application as it comes and try and deal with it as carefully as they can on the merits, being very careful about issues of natural justice and fairness, to assess the facts and then decide whether the person is eligible or not. There's probably a broader spectrum of people now seeking assistance just because of the economy generally. Really, our role as adjudicators is to separate out any kind of images and talk about the evidence that's before us.

Mr Curling: Sometimes it is very difficult for you, the people who are in areas to judge and make decisions; sometimes the media, sometimes interest groups focusing on new immigrants, feeling they are more so on the social assistance Ferris wheel. Do you think the government is doing enough, or that there is more that could be done, to dismiss that kind of image? It makes your job a bit more difficult, I would say, or anyone who is on the Social Assistance Review Board, when you're reviewing things. Of course the impression outside is that there are people more so on welfare. We've gone through one of the most rigid recessions, and most of the time the people who are more vulnerable to all of this are minorities,

women, those who are constantly being subjected to some discrimination. Do you think there is more that should be done to make the kind of work you're going into—that image disappear, or the reality hit home?

Ms Sarra: From my perspective, as you can appreciate, the Social Assistance Review Board is arm's-length from the government. I think its role and responsibility as a tribunal needs to address certain things, and from what I understand, although obviously I'm not there yet, I think they're trying to: for example, travelling to 50 or 60 centres and being more accessible to people who can't economically afford to travel to hearings, making the decisions in a much more simple language format. All of those kinds of things are things that can and are being done, as I understand it, to deal with what, as you characterize, are very severe times, and where new strategies are needed to deal with enormous case loads.

Mr Curling: Do you think statistics should be kept of who is on welfare, who is getting social assistance; in other words, how many women, visible minorities, what age groups? Do you think these statistics should be kept, so that policymaking should reflect and direct some of the benefits, respond to those individuals in a proper way? Do you think statistics should be kept because of those reasons?

Ms Sarra: It seems to me that's probably a question more appropriately for the people in this room, in terms of legislators. I am not sure that, from my perspective on the board, it's for the board to do that. As you said, we want to approach each case very fairly and on the facts, so I don't know if it's really a good one for me to comment on.

Mr Curling: Good luck in your job.

Ms Sarra: Thank you.

Mr Allan K. McLean (Simcoe East): Welcome to the committee. You indicated you were familiar with the Social Assistance Review Board and its operations?

Ms Sarra: Yes.

Mr McLean: I have a case in northern Ontario where an individual applied for welfare and got a cheque. The welfare worker realizes that they don't feel the person should be collecting welfare. They have a right to appeal. That appeal could be 10 months, and during that 10-month period they are still collecting welfare. Then they send somebody from Toronto to Kenora or Thunder Bay to review what's happening. Do you think the system could be improved in any way?

Ms Sarra: That's a very good question. There are several parts of that, I'd say. The first is that interim assistance, which is probably what this person was on, is really defined in terms of hardship, so that's one part of the whole system. Another part, which I think you correctly identify, is that there is a growing period of time before the cases get heard. From what I understand, the board is trying to find new strategies to tighten that up. Certainly, the fact that they've just expanded the complement and added six new members to hear cases is a big part of trying to speed that up, and I think that would address some of the concerns of your constituents.

The other thing is that they've also moved towards

regional appointments, which means that more people are being appointed out of the communities in which these cases are being heard. I think that is economically more efficient, and also probably they're more sensitive to what welfare administrators and also the people in the community are facing.

Mr McLean: So that is being done. Instead of a 10-month wait, they may be able to do in it two perhaps.

The other question I have is with regard to the minister's announcement on September 21, where he released the ministry's preliminary findings in the general welfare assistance cases. He found that clerical errors and fraud were about in 20% of the first 40,000 files examined, resulting in overpayments of about \$21.3 million.

What opinion do you have in terms of solving some of the problems with regard to the system? I know you're going to be reviewing them—that's your job—but there's more to it than that.

Ms Sarra: I think there are two issues here. The first is that my job, presumably, as a board member will be to decide the eligibility in terms of applicants, based on the evidence in front of me and obviously the statute and the regulations and what they provide. The issue of fraud, of course, as I'm sure you're aware, is a criminal issue, and there are people who are actually investigating that and there are criminal sanctions for that; that's a very separate process. But from my perspective, we want to be as careful as possible when we determine eligibility so that we're making responsible decisions and certainly doing what we can at our end.

Mrs Elizabeth Witmer (Waterloo North): I'd just like to pursue the direction Mr McLean was taking, that is, regarding the mismanagement and fraud that was discovered. It's a phenomenal amount of money that's being lost that obviously could be put to better use to serve the citizens of the province of Ontario. I would say to you that there is much that needs to be done, and I would assume that if you're going to become involved you also become involved in some of the problems associated with the system. What suggestions do you have personally for reforms or measures that could be implemented to ensure that fraud is eliminated to the greatest degree possible and that the system is better managed?

Ms Sarra: If I can just back up, I haven't read the minister's report, in part, as I said, because it's relating to criminal matters. But I do understand from a number of the media reports afterwards that in fact the overall rate is still about 5%, as it's been for about 20 years, so I speak with that understanding from the various columns and news reports.

Having said that, it's obvious that there's been a continuing problem and there has been for many, many years. From my small part of the role, which would be as an adjudicator with the board, you have to work to ensure that the part you're responsible for—that you're scrutinizing each case and receiving the evidence with as open a mind as possible to ensure you're getting everything you need to make a decision, and really to give assistance to those who truly require it, based on how the statute has defined it.

Mrs Witmer: Your answer has been very vague. It certainly wouldn't help me if I were in charge of that area. I'll ask you specifically a question related to home visits. As you know, the home visits now have been put on the back burner and they won't take place except every two years. Unfortunately, that can be interpreted that this government in many ways is encouraging fraudulent behaviour, because people know there's not going to be any checking, that no one's going to come into their home and verify that indeed all the facts are accurate.

What is your opinion regarding the number of home visits that take place? So much of what happens now is verbal communication.

Ms Sarra: I apologize if you thought I was vague. I'm not trying to be vague. What I'm trying to stress is that I think the role of any tribunal—and I speak from some experience in terms of the other tribunals—is a very narrow one. It's not for us to make government policy, it's not for us to comment on government policy, whoever the government is of the day. We can only, as adjudicators, do things within our power, and our power comes entirely from the statute. So I don't think it's really appropriate for me to comment on the home visits, because that's really policy questions about the provincial government and, frankly, the municipal governments.

1020

Mrs Witmer: The problem we face is that right now people who are on welfare, unfortunately, have a stigma attached to them. Anybody can tell you they know oodles of people who obtain welfare in a fraudulent manner, whether or not that's true. I suspect in most cases it's not, because I think most people who do receive welfare receive it because they truly are in need. But that's why it's so essential to eliminate the fraud and the mismanagement, because unfortunately that stigma now is attached to every individual, and it's really quite unfair. Those people are suffering enough as it is, in an attempt to get through that stage in their lives where they're receiving that interim type of help.

I personally feel we need to work collectively together, everybody needs to, to make sure we eliminate those two problems and help to raise the self-esteem of the individuals who are collecting welfare and seem to all be tainted by the same brush. It really hurts those individuals.

It's a really big problem. I did a TV show on Monday night and this was raised as an issue; I couldn't handle all the phone calls that came in. This is an issue the public is extremely concerned about, and there's tremendous misconception out there too. As I say, we need to deal with the issue of fraud and mismanagement and also, obviously, manage cases a little more effectively than we have in the past. I wish you well.

Ms Sarra: Thank you.

Ms Margaret H. Harrington (Niagara Falls): First of all, Ms Witmer made the statement that this government was encouraging fraud. I find that extremely misleading, so I just want to make sure that is said.

The other members raised the issue of the case load and the backlog. Obviously, you're not on the board yet

or in this position. Do you know what has been done or is going to be done to address the question of the case load?

Ms Sarra: From what I understand, a number of things have been done. Partly, I understand this because as an adjudicator with another tribunal, some of us think SARB has actually done an extraordinary job in terms of having very limited resources. For example, the pay equity tribunal was looking at some of the innovations that have been done by SARB as a way to deal with its limited resources and increasing case load. For example, they've gone to simple-format decisions, which means that rather than causing delay from the point of the end of the hearing to the decision being rendered, the simple-format decision gets the decision out as quickly as possible so that someone knows whether they're entitled or not.

Similarly, they had a backlog project last year where they sat basically days and nights until they wiped out what was then the backlog before the last big burst of cases, and used their resources as efficiently as possible.

I'd say my appointment part-time is also another measure; they haven't in the past few years had part-time members. They've appointed two of us, and basically they'll get double the work for the same amount of money.

I think they are looking at a number of measures and are trying very hard to see, given that there are limited resources, what they can do.

Ms Harrington: Do you have any idea what the waiting period would be now?

Ms Sarra: I'm afraid I don't know what the current one is. I apologize. I'm not yet there.

Ms Harrington: I understand. As we all know, we're in the middle of substantial change on this—our JobLink initiatives—and everything is in a state of flux at the moment, and hopefully improvement. Obviously, that's the whole idea of this: to break the welfare cycle and enable people to have more choices in their lives and to have a job. I'm very hopeful that within the next short while real improvements will be made, and I hope you're part of this process as well.

I'll leave it at that; I know my colleagues are ready.

Ms Jenny Carter (Peterborough): You've pointed out that this is an adjudicative body at arm's length from government and not a policymaking body in any way. I believe that is your background, that you have a lot of experience in an adjudicative capacity. I wonder if you could just tell us something about the experience you have that is relevant to this board.

Ms Sarra: Certainly. I was most recently, for the past seven years, a vice-chair of the Pay Equity Hearings Tribunal, and in that capacity I was originally appointed by the Peterson government. We basically did the startup of the tribunal and dealt with the adjudicative issues surrounding pay equity legislation. Prior to that, I was an adjudicator with the Ontario Labour Relations Board, and, as I said at the outset—I'm not sure if you were here—I also, in a former capacity, worked municipally for a municipal councillor and had a great deal to do with the

advocacy and administrative part of social assistance. So I have the advantage of having worked with welfare administrators and also in terms of policy around social assistance, but I can hopefully bring my adjudicative skills to bear on some of that substantive information.

Mr Rosario Marchese (Fort York): I wanted to make a similar kind of comment, and wanted to comment that I found the answer you'd given to Ms Witmer not to be vague but to be quite appropriate. The job of the person we are agreeing to hire is "to hear appeals from decisions of the director or welfare administrator, to refuse, cancel, suspend or vary the amount of an allowance or benefit available under the Family Benefits Act." That's your job, so it's not your job to respond to policy questions or to produce policy papers. When you're asked political questions, you may or may not answer them, or you may answer them in the way you did, that is, what you are asked to do under the act and what the job role of this person would be.

I was quite impressed with the kind of experiences you bring. I was almost about to ask you what some of the skills of mediation you have are, and examples of some of the difficult questions you've had to handle as an adjudicator. Is there an instance that comes to mind which was difficult to mediate, that you would refer to as something you would want to share with us?

Ms Sarra: I can't think of a particular instance, but I can say I probably have a few reflections as coming out of the years. I think the biggest thing for any adjudicator and administrative tribunal is to be as fair as possible and as accessible as possible. The Ontario Legislature has crafted these tribunals as a way to provide an accessible means for people to have appeals, whether those appeals come from the director or a municipal administrator or in fact from an individual, so I think our job is to not lose sight of the fact that we provide that service, and the hearings themselves have to be conducted in such a way that people feel comfortable and that people, whomever they're representing, can basically tell their story and get their evidence on the table and have a sense at the end of the day that, whether the decision is to approve the assistance or to decline it, they've had a fair hearing and they've been fairly treated.

Mr Marchese: Ms Sarra, thank you very much, and we wish you luck.

The Chair: Any further questions? There are four minutes.

Mr Curling: I do, Madam Chair.

The Chair: No, further questions by the government party.

I'd like to thank you, Ms Sarra, for appearing before the committee this morning.

Ms Sarra: Thank you very much.

1030

JANE DARVILLE

Review of intended appointment, selected by third party: Jane Darville, intended appointee as member, Advocacy Commission.

The Chair: Our next appointment this morning is Ms

Jane Darville, who is an intended appointee as a member of the Advocacy Commission. Welcome to the committee, Ms Darville. This is a selection by the Progressive Conservative Party.

Mr McLean: Welcome to the committee. What is your appointment for, a three-year term?

Ms Jane Darville: I believe so, yes.

Mr McLean: Were you approached for this position?

Ms Darville: Yes, I was.

Mr McLean: By whom?

Ms Darville: It was through some conversations with representatives from the Ontario Hospital Association.

Mr McLean: Are you familiar with the functions of the commission?

Ms Darville: Through the legislation I've read, yes.

Mr McLean: Of the six recommendations there, which one or two do you think you would be most appropriate appointed to look after: the vulnerable persons who are incapable of instructing an advocate, or what?

Ms Darville: I think the strength I would bring would be being aware of the health care system, the macro issues that would evolve through it, certainly an awareness of the vulnerable and potentially vulnerable people in the province and their relationship to particular parts of the health care system.

Mr McLean: What qualifications and training would you support for advocates?

Ms Darville: Qualifications I think can vary. I wouldn't see them as all having the same type of qualifications. Personal attributes I think are as important sometimes as academic qualifications. In terms of training, I think that will be an evolving issue. Obviously, that's one of the first roles of the commission. The training would vary from a true understanding legally of the act and the other acts: consent to treatment and substitute decision-making.

Mr McLean: I see Mr Reville's here this morning, the chair of the commission.

Ms Darville: We just met.

Mr McLean: Have you been briefed by him with regard to the procedures here?

Ms Darville: Not particularly. We just met a moment ago.

Mr McLean: Great. Welcome, David.

Mrs Witmer: Whom do you feel you represent on this commission?

Ms Darville: Clearly, I represent the hospital and the health care community. But I think any commissioner, whether they're a public member whose name came forward from a particular part of the community, has to represent and be concerned about the vulnerable people the act was written for, as well as the other citizens of Ontario, those people like you or I who potentially may be vulnerable at a particular point in their life. I don't see that it's any one area in particular. I obviously bring some strength, but generically I would perceive that I would represent all the groups.

Mrs Witmer: You're probably well aware of the fact that there are some people who perceive this Advocacy Commission to be just another intrusion into their private lives and the lives of their families and their loved ones. It's a very serious problem, by the way.

Ms Darville: It is.

Mrs Witmer: Obviously, one of the functions of the commission, as it embarks on the task in front of it, will be to give some feeling of confidence. What are some of the things that can be done by the members such as yourself to give that reassurance to people that indeed this is not another intrusion into our private lives by government?

Ms Darville: I think actions speak better than words, but, as you say, at the beginning there may not be great actions to fall back on. Very clearly, as we go along we have to communicate well to those groups what it is we're intending to do and why we're intending to do it. That's not just the vulnerable groups and their families; clearly, the more traditional official groups out there—the health care community, whatever—have some concerns.

Mrs Witmer: They do.

Ms Darville: There's a fair amount of controversy about how this will all play out in the scheme of things, so I think there may be different approaches that will need to be taken with those different groups.

Mrs Witmer: Pursuing that, what assurances can you give us that the commission is going to be able to deal impartially when dealing with advocacy cases that involve complaints against government bodies? That could be perceived to be a conflict: You in essence are a government body, and obviously some people will have complaints against it. How can you guarantee that there won't be a conflict?

Ms Darville: How can one ever make that guarantee? If I'm speaking for myself, I consider that I have enough personal integrity that that won't be the case. I would hazard a guess that the other intended commissioners would be similar to me. As I said, one has to trust the process and believe that the people who are before you understand and are committed to that.

Mrs Witmer: Pursuing the concern about the role of the Advocacy Commission, there are some in this province—for example, the Ontario Advocacy Coalition—that support the development of a system that would emphasize consultation with local community. Is that the model you support, or is there another model that you would recommend be examined?

Ms Darville: Without probably going deeper into some of the models that are out there, I don't know how one can avoid the model of consultation, particularly, as you say, as there are concerns out there by individuals, groups and other organizations. While sometimes it's difficult to be out there in the consultative mode, one has to do that to truly be a responsive commission, to get your message across and to hear the concerns of the people.

Mrs Witmer: I guess that's part of the problem with so much of the legislation during the past four years, that really the control becomes very centralized. We see it in

the long-term care legislation as well, where you've got the creation of the MSAs. Our regional chairman, Ken Seiling, is on record as saying, "There are other models; you should be involving the community," and we don't seem to be doing that.

That's certainly a concern I have. If this Advocacy Commission again does not consult, does not allow for some local autonomy into the process, there will be a great deal of unhappiness. I personally believe that local autonomy and responding to local needs is important. I'm concerned about this commission, I'm concerned about any agency that takes away the independence of the local communities to best provide for their own citizens.

Ms Darville: I think one of the first things one would want to do as a commissioner is look at all those issues that are out there. Certainly, through the process of this legislation there would be some feedback from those particular groups. As one of the things I talked about in my interview with the minister, one of the first things I would feel I would want is: what has been said through those official or unofficial channels, so we can respond appropriately. Everyone, I would think, would want to mitigate that in whatever way they can. You don't want to create land-mines, you want to avoid them. If this legislation is supposedly to protect the vulnerable people, or you and I, should we become vulnerable, one can't avoid having those conversations.

Mrs Witmer: I wish you well. It will be a challenge.

Ms Darville: Thank you. It certainly will.

Ms Carter: Congratulations on being appointed to the Advocacy Commission. It's certainly something that's very close to my heart. I'm parliamentary assistant to Elaine Ziembra and of course this is a Citizenship development.

I really don't take kindly to some of Mrs Witmer's comments that this is somehow another big bureaucracy that's going to be centrally run and impinging on people's privacy. I don't think that's the image that those of us who have been involved with this thing have of it.

As you know, most of the commissioners have been appointed by a different route, which was in fact extremely democratic and involved all those groups that are most concerned because they're the consumers of the kind of service that's going to be offered. To me, it does seem to be a very grass-roots type of thing, and although ultimately it's responsible to Citizenship, it doesn't have that direct connection with Health or Community and Social Services or other ministries which are much more likely to be the object of complaint than Citizenship is, because Citizenship doesn't deliver these front-line services. Although ultimately it is paid for by government and sponsored by government, it seems to me this really is a grass-roots thing.

And it's certainly not going to intrude on people's lives, because an advocate will come when called, when somebody is in dire need or somebody else thinks a person is in dire need, to interact with that person solely. If that should involve, say, family members—well, in real life sometimes family members can be part of the problem, although usually they're part of the support.

I just wonder what you feel about this concept of it being something that isn't another bureaucracy but something that is genuinely different.

1040

Ms Darville: I'd like to think it won't be part of a bigger bureaucracy and that, through the evolution of the commission, it will be proved not to be intrusive, that it will be what I think it's intended to be, which is an enabling and facilitative piece of legislation for those who need it, at the time they need it.

As you say, I guess we'd all like to live in a world where we might not need advocates, but there are situations, and I would be naïve not to say it, where things don't go right for people, with or without family support. But certainly my intent as a commissioner would not be to promote anything that would turn against the people you're actually trying to help.

Ms Carter: Naturally. Why do you want to be a commissioner?

Ms Darville: For a number of reasons. It's exciting to be involved in something new. There's no road map for this. There are very few commissions of its type in the world, if any. I think I have something to say. I think I can bring to it some skill in terms of my management experience, as well as my knowledge from a pretty broad background in health care, both community and the formal institutional sector. It's time to do something like this.

Ms Carter: So you feel your experience so far is relevant, that you can bring to this commission.

Ms Darville: From the early days, when I was a visiting nurse, part of what I perceived my role to be was to advocate on behalf of those patients I had in the community who, whether formally defined as vulnerable, at times were vulnerable. Much of what you did as a visiting nurse wasn't the particular physical or emotional care you gave them, it was helping them through the process. So yes, I think I have something, very clearly, that I can bring to this commission.

Ms Carter: As you say, this is a pioneer. I don't think there is anything like this out there anywhere, as far as I know.

Finally, I'd just like to ask you, what do you see as the greatest challenges to the commission?

Ms Darville: I think the greatest challenge has already probably been addressed in the few questions I've been asked this morning. The challenge will be getting across to the people who need the service how to access it quickly and reasonably, and how not to frighten people about the intent of the legislation.

Ms Carter: To make it clear that you're working for them and not as some representative of some big "them."

Ms Darville: No one wants their life interfered with, particularly.

Mr Marchese: Ms Darville, I've a question as it relates to advocacy services. Obviously, the advocacy services will take three forms in terms of care advocacy, rights advocacy and systemic advocacy. I was looking at your curriculum vitae and saw that you have extensive

experience in this field. Can you, drawing on those experiences, tell us how that would benefit care advocacy, rights advocacy and systemic advocacy?

Ms Darville: That's quite a question. I think I've answered that a bit already. As you know from my CV, my experience has been community-focused for a number of years, moving into Casey House. I think we experience there, and I believe it can happen in larger settings, a situation where advocacy was actually part of the fabric of that organization. Advocacy was what you did as one of the care givers there. I've seen it work in reality and believe it can work in other places.

From my background, I can participate in the conversations about the systemic and macro issues, and from my more personal, individual experience can understand, both from the client and from the care giver's point of view, issues that I think would help in the development of the more individual or micro issues.

Mr Marchese: I would have pursued that specifically, but I know Mr Malkowski has some questions, so I'll leave some time.

Mr Gary Malkowski (York East): I'd like to ask just a quick question. In your experience, with your qualifications—in your background obviously you're a service provider—could you tell us a little about how you think a service provider could be more sensitive to consumers, and how would one then bring a balance between consumers and service providers on the commission if the goal is such that we want to empower consumers? How would you develop a plan to provide something of a compromise or something of a working relationship between consumers and professional service providers on the commission?

Ms Darville: I'm a little confused about the question. Could you just say the first part again?

Mr Malkowski: Let me rephrase it. As an appointee to the commission, there sometimes are conflicts in some areas between advocates or advocacy services that are proposed by consumer groups and service providers; there are sometimes differences in philosophy. As someone appointed to this, how would you bring about a balance to some of that?

Ms Darville: That's at least a two-pronged response. Throughout the process, you've got to be very clear with those service providers about what the intent of the legislation and the role of the advocate is. More importantly, to try to avoid some of those issues as much as possible, the whole selection process and training for the advocates needs to be as refined as possible. Undoubtedly, initially the advocates will be looked upon, I think, with some hesitation by the professional community, and I would then expect that a lot of our attention is going to have to be placed on how you select and pick and define the role of the advocates who will be out there.

Mr Malkowski: Can you tell the committee, or tell me, from your own experience in working with disability groups or consumers, why you think you are qualified to work with some of these people? Could you tell me a little bit about your experience with the consumer movement?

Ms Darville: Not trying to go back too much to creation, as I said, as a visiting nurse I became fairly in tune with those issues of advocacy, particularly through my work at Casey House, not only as a member of the original steering committee and board but, more latterly, as the executive director. If anything, that was probably the 1980s event in Toronto that proved that grass-roots advocacy did work. Casey House wouldn't be there if it weren't for the advocacy of the gay community and some other well-meaning people in the city of Toronto and Ontario, including some politicians at that time. I think I experienced through that process, on a number of different levels, the experience of how that can work positively and how you can take that energy and turn it into something that serves a community.

1050

Mr Curling: Ms Darville, I want to thank you for coming before the committee.

Ms Darville: Thank you for asking me.

Mr Curling: I should say at the outset that I'm not a great advocate of this Advocacy Act. I agree with the description of the problem, but I totally disagree with the prescription that is laid out by the government. Therefore, I have a little difficulty here, and you must have seen the difficulty expressed by the government side too. They're continually asking for explanations of certain things because some colleagues over there are not quite fully understanding of what the act does. I presume it's an ambitious thing to couple these three acts together and hope it will work effectively.

One of the things I have concern about is what I heard during the hearings, and maybe you'll be able to give me your feeling. How do you feel about the criticism that the rights of the parents, of the family, are being taken away and Big Brother or Big Sister now will be looking after it? How do you feel about that criticism? What would be your response to people who feel that way?

Ms Darville: That that's the intent of the legislation or the fear of the legislation?

Mr Curling: That the whole intent of the legislation is to do that, to say, "We will look after you now"—Big Brother, Big Sister. Some people who came before us talked about it, that that is what the Advocacy Act is all about. Do you feel it's wrong?

Ms Darville: Do I think it's wrong?

Mr Curling: Do you think they are describing it not in a proper form?

Ms Darville: I think they're describing it as they see it and interpret it. I'm not sure that's how I interpret it. Certainly, if one does interpret it that way, there would be reason to be concerned. I don't think the intent of the legislation is to be Big Brother to anybody. As I said earlier, I think it's meant to be and can be an enabling piece of legislation to be used when required.

I don't think the intent of the legislation is to take away the rights of the individual or their families. Many of the vulnerable people and the groups that represent them have worked very hard for some autonomy and some independence, and I wouldn't anticipate that this piece of legislation would take that away.

Mr Curling: Some people do believe that it takes away their rights as a family and as a parent at times, and they continue—

Ms Darville: I guess we'll have to be clear that that's not the case.

Mr Curling: Would you be able to criticize the act if you find anything wrong with it?

Ms Darville: I've tended to criticize things in my whole life, if I've had some concern. I would, as a commissioner, do that behind closed doors, obviously. I don't anticipate we'll agree on everything, but I guess that's what the working rooms are for.

Mr Curling: So you would be able to say that there are things wrong with the act, to bring it to the commissioner or the chief guru and say that—

Ms Darville: I would hope so, and I would hope that commissioner would want the commissioners to do so.

Mr Curling: Maybe I'm kind of cynical in some respects when I read it, that they must be completely committed to this act and must also demonstrate commitment to that Advocacy Act. Not having a full understanding—I'm not saying you don't; maybe you do. But I get the impression from the government side that they don't themselves.

I'm looking to commissioners who would be appointed to this commission as people who are extremely sensitive to those people who are vulnerable. I categorize you as being one of those in the minority, because as I read it, the act requires that the majority of the commissioners must be 65 or older or be individuals who are or have been or are likely to become disabled. It's hard to know. What category would you find yourself in?

Ms Darville: Isn't there a category for members who aren't those?

Mr Curling: You are in that category who are—

Ms Darville: I would anticipate. I mean, I could become disabled or vulnerable at any moment.

Mr Curling: I just like the description. It says "or are likely to become disabled." I'll likely become disabled, as soon as I get older anyhow, and unable to do certain things. So you are now in that category, the minority who may not become disabled.

Ms Carter was saying how democratic this commission was because of how they have been appointed or selected to this commission. Were you one of those who was selected by the minister?

Ms Darville: My name went forward from the Ontario Hospital Association as, I presume, one of the public members, and my name was then brought forward through the minister.

Mr Curling: The way I see it here too is that four of the persons, except the chair—the first appointee was the chair, which I gather was given the blessing by the minister or appointed by the minister directly, and we just go through the rituals here. "...first appointed from persons recommended to the minister by the Appointments Advisory Committee, and two of the persons first appointed by the minister on the basis of their commitment to the purpose of this act." I presume you are not

one of those who were blessed with the appointment or selected by the minister.

Ms Darville: Although I would anticipate that I'm committed to the act. I guess that part fits.

Mr Curling: Oh, yes. If we all want a job, we—

Ms Darville: We don't want to separate the two here.

Mr Curling: No, but this is more on the procedure. You're comfortable with that procedure, that some of the people will be coming to this commission by the minister—

Ms Darville: Certainly. Sure.

Mr Curling: Of course you would be.

There are organizations and non-profit community agencies which would be delegated jobs and maybe provided funds and grants to carry out their jobs and maybe assist the commission in its work. Is there a list of those agencies, that you know of?

Ms Darville: Not that I'm aware of. There may well be.

Mr Curling: Do you know how they'll go about selecting those agencies?

Ms Darville: From my point of view, one would look at them based on the mandate they have currently, their location within the province geographically, and whom they represent. Beyond that, that may have to be finetuned through the work of the commission.

Mr Curling: But you don't know of any list now or what the criteria would be?

Ms Darville: Not that I'm aware of, no.

Mr Curling: Do you know how much money the government will be having aside for these agencies to assist the commission in its work?

Ms Darville: You mean what is the budget for the commission totally?

Mr Curling: Yes.

Ms Darville: I think it's somewhere around \$30 million.

Mr Curling: Is there a maximum at all on these agencies, a maximum amount that would be given to these agencies, that you're aware of? Or have you not been briefed?

Ms Darville: No, I haven't been briefed.

Mr Curling: You just know there's a \$30-million bag out there that will be given to some agencies that will be either created or—

Ms Darville: The \$30 million, I think, is for the total work of the commission. In terms of how that's to be allocated, I have not been privy to that yet.

Mr Curling: Neither do you know about the criteria?

Ms Darville: No.

Mr Curling: Would you have any input in this when they start making the decisions about agencies that will be qualified as a supporting factor for this commission? Would you as a commissioner have any input on that, what agency it will be?

Ms Darville: I would anticipate so.

Mr Curling: So it is the commission itself that you

feel will be identifying those: "You and you and that group will be the supporting"—

Ms Darville: I think through some input, yes.

Mr Curling: But the selection though: You don't know if the commission will be the one to say, "These are the agencies that will be the supporters of the commission in carrying out its work." You don't know that?

Ms Darville: No.

Mr Curling: Do you feel you have been properly briefed in the sense of being properly familiar with all the procedures of how the Advocacy Commission will carry out its work?

Ms Darville: My briefing up until now has been information on the legislation. I would anticipate further briefing would be once the commission starts to meet.

Mr Curling: The suspicion of people outside—the government has been criticized for setting up commissions, that it is just another bureaucracy and another backlog will happen. I felt over the last couple of years, maybe even before this government came into power, that there's a stream of backlog and the vulnerable people are the ones who are being subjected to far less services than are required. As a matter of fact, they are more confused. Do you feel this Advocacy Commission, and you as a commissioner, will more or less assist in having services directly, more efficient, faster and a lot less confusing about where they should go—

The Chair: I would ask you to just finish your question, Mr Curling, and then you're out of time.

Mr Curling: Thank you very much, Madam Chair; I'll be quick. In other words, this will eliminate some of this backlog and eliminate some of the confusion and it's not the creation of another bureaucracy.

Ms Darville: I would like to think it will enable the people it needs to help and that it will, hopefully, decrease some of the confusion, yes.

The Chair: Thank you, Ms Darville, for your appearance before the committee this morning.

1100

HERB MCGIRR

Review of intended appointment, selected by government party: Herb McGirr, intended appointee as member, Ontario Racing Commission.

The Chair: Our next intended appointment is Mr Herb McGirr Sr. Mr McGirr is intended as a member of the Ontario Racing Commission. Welcome to the committee, Mr McGirr.

Mr Herb McGirr: Good morning. Thank you, Madam Chair.

The Chair: We will start with the government members.

Ms Harrington: Thank you, Madam Chair. Welcome to our committee. Thank you for coming up from Fort Erie. You're from my area.

A lot has been happening with regard to the racing industry over the past few years. There obviously is going to be a rather large structural change in preparing for the future. I'd like to ask you to comment on some of

the changes that have been made in the last couple of years, from your knowledge in Fort Erie, and then talk about what you see as the future, the vision for how you would like to see the industry operate. It's a big question, but you can start on it.

Mr McGirr: It certainly is a big question. You're entirely right: There has been a number of changes in the industry, in the gaming industry as a whole. Those changes are not specific within the gaming industry strictly in Ontario, and we have had to adjust.

I have most recently been part of a sector partnership process for the horse racing and breeding industry, and I would be pleased to report to this committee that the industry as a whole, under those auspices, has come forward with some very wide-ranging plans for the future of racing and how the industry and its job base will be maintained in light of a very changing gaming industry in this province and, as I say, around the world.

I'm very pleased that the industry has come together under the sector process, and I feel as though we're making some great strides. My hope is certainly that we will be able to maintain the industry as whole as we know it today, and in addition enhance it by virtue of positioning it for growth in the future and the maintenance of the 28,000 to 50,000 jobs related to the horse racing industry in this province. I feel good about the future of horse racing in Ontario.

Ms Harrington: It's very important to our economy. We have some of the statistics here before us today about the basis agriculturally and for very many jobs across the province. Of course we locally know there are about 4,000 jobs associated with the Fort Erie Race Track.

I wanted to get a little further into the role of the commission and the role of the strategy working group. How would you see your role on the commission as different from the role of the working group?

Mr McGirr: I have been involved in the horse racing industry in this province for about 20 years, and during that period I have been able to watch the role of the commission. Of course we're all aware that it is empowered with broad-based powers to govern and control and regulate horse racing in this industry.

I would be hopeful, with the most recent change in the development of the sector partnership process, that the racing commission would be able to play the role it was intended to do initially, and that is to regulate the industry. It's always healthy for those business people, such as myself, who have been in the industry for years, to be able to in some way take control of their own destiny. I am hopeful that this sector process, with its newly appointed council, which encompasses members from all aspects of horse racing in the province, will be able to carry on and make business decisions that will be in the best interests of the industry. As a multi-sized group with broad representation, I'm sure we'll make the proper decisions to guide the industry forward.

My view is that the Ontario Racing Commission plays and should play a heavy role in the regulatory end of things, the administration of the business, and, wherever called upon, with this newly developed sector to assist to

enhance the industry. That's where I see the two roles being played.

Ms Harrington: I see. One is regulatory; the other is more for the industry?

Mr McGirr: With this most recent development of the sector process. I might add that this is probably the first time in a long time that all aspects of the industry have been able to come together in one room and decide the future of the industry, and I think that is truly healthy.

Ms Harrington: That sounds very promising. As part of that coming together and looking at the future, dealing with the realities of the province, I do want to mention the word "casino." If a casino does come to the Niagara region, how would you see this: in a positive light or a negative light? And how would you be prepared to deal with that situation or work with that situation?

Mr McGirr: Dealing with the word "casino," I alluded in my opening comments to the changing structure of the gaming industry in this province and, obviously, around the world.

I might cite to you that most recently I read some articles on the gaming industry in France. They have been able to develop a very strong gaming industry composed of both casino gambling and of course a long-time-structured horse industry. The horse racing industry has been able to have been enhanced while the casinos also grow. That, in large measure, has been responsible as a result of 7,200 betting-shop opportunities across the country. Therefore, our enhancement of the teletheatre aspect of the horse racing business most recently might afford us that opportunity as well.

Specific to the Niagara region with respect to a casino, you are undoubtedly aware of the effort that has gone forward in terms of Niagara Falls and most recently in terms of Fort Erie. I think we have to look at the fact that the horse racing industry has long said, certainly with respect to the Niagara region, that if a casino were to open in the Niagara region—and I would think that's certainly in the cards, be it in the short term or the long term—we will have to look at ways that we will enhance the racing industry and maintain the 4,500 jobs, in fact 5,500 jobs with the 1,000 jobs that are related to the bingo industry as well in Fort Erie. When you consider that there is only a total of 12,000 jobs in our small community of 25,000 people, were we to lose 5,500 of those jobs, that would be a meaningful impact on the community.

I am hopeful that everybody will look at all aspects of the potential coming of a casino to the Niagara region and I'm hopeful that the decisions will be made in a positive vein so we can enhance and enrich the whole Niagara region. Of course those decisions will be made by somebody other than myself.

Ms Harrington: Hopefully, with input from all the affected parties.

Mr McGirr: Yes. We're all major stakeholders, obviously, and I think we have to look at all aspects of what goes on with a casino coming to the Niagara region. We would put forth the argument, of course, and I think we should also realize that in Regina, when there was a

casino located at Queensbury Downs, that track was about ready to close; it enhanced its operation. With respect to California and Hollywood Park, they most recently opened what they refer to as a card room, as opposed to a casino, and that has enhanced and enriched the live racing program there. On the other hand, in Louisiana, where the racetrack went in partnership with a riverboat casino, they certainly thought that was the answer, but it has not worked out.

I know there have been reports that horse racing takes a hit from 5% to 10% if a casino is opened in the immediate area. I would suggest to the committee and to you, Ms Harrington, that if a casino were opened in the Niagara region, the hit on Fort Erie would be much greater than that 5% or 10%. That's a consideration that I think we have to air and look at all aspects of.

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Mr Marchese: I have two questions. One was to have you comment on the alternatives you've been exploring to increase the kind of support you've had for the racing industry, and you mentioned that teletheatre is one. I was going to ask you what else you're thinking of doing along those lines to increase the support, but I'll ask you another question because hopefully somebody else will ask that.

I'm noticing in the research that in 1994-95 the racetracks' tax-sharing agreement will likely return approximately \$28 million to the racing industry for equine research and also for improving the quality of race stock in Ontario. I'm assuming the industry is happy with that arrangement. Can you speak to that?

Mr McGirr: Obviously, they're happy with that arrangement. Obviously, the provincial government is a major stakeholder in the industry, deriving gross incomes in the range of—for a figure's sake—\$75 million and then rebating \$25 million of that back into overnight purse enhancement and breeding enhancements. It is a very big part of what we do in the industry. We depend heavily upon that provincial rebate.

To the extent that it is being used properly, I would say, heretofore, yes. However, we have a number of changes going on in the industry, and my own personal opinion is that those rebate dollars could be reviewed—desperately needed—but perhaps some allocation of those that would find its way down to the multitude of people who are playing in the game, because they have been basically to enhance stake races, as such. We need that, but many of us have played the game underneath that level, and some of that support might in the coming days be directed there.

Mr James J. Bradley (St Catharines): I want to pursue this matter of gambling, casino gambling in particular. I happen to have a preconceived notion that a casino would sink the Fort Erie Race Track, which is already in a sometimes precarious position because of a number of factors. You have dealt to a certain extent with that. I take it that the only casino you think would be of any use to you would be a casino be located at Fort Erie Race Track, which would enhance your position rather than detract from your position.

Mr McGirr: To the extent that we have looked at other situations across North America, it would appear that casinos on tracks have enhanced the operation and in some cases have saved racetracks.

Mr Bradley: I'll try to word the next question delicately, because one can't say anything any more without someone finding something wrong with it. But would it not be the case that many of the people who are employed at racetracks such as Fort Erie are people who would not have an opportunity to easily find other employment and that it is absolutely essential for these people, in terms of their ability to make money for themselves, that the racetracks continue to exist? There are a lot of people who are not highly skilled, a lot of people who perhaps have some disabilities, who are able to work at the racetrack and do very well and enjoy it immensely. Would that not be the case?

Mr McGirr: Yes, that is a very true observation.

Mr Bradley: So if the tracks were to close as a result of these casinos springing up across the province, we might see some problems.

I was on your side on the casinos. I know you can't say too much when you're being appointed by the government to a commission, but I can make the observation that I think casinos sink the racetracks.

Lotteries, I guess, have also had an influence. Every time I turn around, there's some new lottery. Every government does it, I can assure you: There's a new lottery of some kind that comes out. Do you see that continuing to erode your base, when people can simply go to the corner store and plunk down their \$40, that they can't afford, on tickets rather than going to the racetrack? At least if it were a racetrack they'd have to go down and watch the horses race.

Mr McGirr: Obviously, there's a degree of sport, we like to think, in the horse racing industry. We have, by nature of competition, had to compete with lotteries over the past 10 years. It is a burgeoning business, as we're all aware, and a major contributor to the wellbeing of hospitals etc around the province. Obviously, lotteries are here and they're here to stay. We've had to define a market niche that we have had to try and develop, and I think we've done that relatively well. We've had some fallback in terms of our industry, from a betting standpoint, but I don't think it has been dramatic. I think if we find ways to market ourselves a little bit better, perhaps we can walk and chew gum and be competitive in the gaming industry.

Mr Bradley: The next question is one that is not as friendly to your operation. In addition to my intense dislike of casino gambling in this province or anywhere—my position is that of the old CCF, the old Co-operative Commonwealth Federation, on gambling issues, I suppose, and on the proliferation and promotion of lotteries as well, and other ways of gambling. But we now have offtrack betting.

I can understand teletheatre, where at the racetrack there may be another racetrack, that you have the screen and maybe there's some racing going on and they can bet on something else. I understand that, because they're

there. But is it absolutely essential that you have these in restaurants and bars around the province, where people go in and do their betting there? They don't even have to go to the track; all they have to do is go in and plunk their money down or however they do the betting. Is that absolutely essential to the future of your operations?

Mr McGirr: It has been stated that the horse racing industry has been in the dark ages for a number of years; that is to say that while we had the market entirely to ourselves and there were no lotteries, no casinos, no Monte Carlo nights and bingos to the degree there are today, being the only game in town we were able to survive. However, most recently, those in the decision-making seats of this industry have deemed that taking the product to the market is one of the ways we can in fact maintain the industry.

I would suggest to you that among the teletheatre groupings that I know the Fort Erie product is going to, our average daily handle last year was in the range of half a million dollars a day; this year, because we are going to 19 different teletheatre/racetrack locations, our handle has increased to almost \$1 million a day. That kind of speaks to the future of live racing in Fort Erie, so I would say that the advent of teletheatres has certainly been a coup for Fort Erie and will probably put it on a strong footing for some time to come.

I would, however, agree with you that we should attempt to—and I think we are, because our racing is going to Elmira Raceway, it's going to Windsor Raceway, it's going to London, among other racetracks, and the majority of that increase in handle has come from our product going back into Woodbine, Greenwood and these other four racetracks across Ontario. To a lesser degree, we are seeing some gains in some of the teletheatre locations. The jury may still be out in terms of the type of locations, but I think the teletheatres overall at some point will contribute, and I think we're really finding our way in that process now.

Mr Bradley: How much time do I have left?

The Chair: Four and a half minutes.

Mr Bradley: Oh, good.

The Chair: Pardon me, three and a half minutes.

Mr Bradley: I liked the first answer.

I'll make an observation that will make me unpopular with some people, but that doesn't bother me any more; that is, I don't like the offtrack betting in restaurants. I remember a person in my own riding, having heard a speech in the Legislature—somebody was actually watching the legislative channel—phoned my constituency office to complain bitterly about my remarks, and had I been into one of these places and so on. I noticed that a month later the same person asked that they take the betting out, because he had lost all his old customers and the people who were in there weren't buying food and drinks, they were just throwing their money into the gambling. But I won't ask you to comment on that, because I know how important you believe that to be.

The next question I have is about the future role of the commission. The minister, Marilyn Churley, when she announced in September that Mr Drea would not be

reappointed for a fourth term as the chair of the Ontario Racing Commission, indicated that the position of chair would be downgraded from a full-time to a part-time responsibility and that she expected the commission to focus on the regulatory aspects of its role rather than promotion, as I think it had been involved in. Could you comment on that? Do you think the commission should be involved in promotion, or do you think the commission should be relegated to the position of the regulator?

Mr McGirr: I think I commented on that, but it certainly bears repeating. My own personal view is that promoting racing is not a job that is going to be done singularly by one person as chair of a commission and/or together with that commission's members. Certainly in the sector process, we've brought together in a marketing subcommittee many, many bodies from different facets of the horse racing world, and they have come up with a marvellous marketing plan.

If we're talking about promoting the industry, I think the industry participants can probably do a better job overall than could members of a commission. My answer to you would be that, yes, I am so buoyed by this sector partnership process and the gains we've made in some short four or five months, that that's true indication to me that the industry should take hold of its own problems and grapple with them, and perhaps they best know how to promote the industry.

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Mr Bradley: The future of horse racing is somewhat interesting. Again Ms Harrington made some reference to it. I assume you believe that under the right circumstances Fort Erie can be kept open and a viable racetrack.

Mr McGirr: I know, Mr Bradley, that you stood in the Legislature one evening when I happened to be watching on TV and spoke very eloquently about your concerns for the future of live racing at Fort Erie, and on behalf of everybody at Fort Erie we thank you for that. We've had a tough fight down there for the past three or four years, and we appreciate all the support we've got from all levels of government. Yes, I feel as though now, given the fact that we're able to steer the ship properly in the coming years, we do in fact have a future at Fort Erie. I'm pleased to report that to you. Thank you for your assistance.

Mr Bradley: I wish you the very best on the commission.

Mr McLean: Welcome to the committee. You were answering Mr Bradley with regard to the part-time or full-time, and I'm not so sure I heard you. You're saying there is no need for a full-time chair any more.

Mr McGirr: I guess I did not get to answer that question, but I would be happy to answer it for you. I cannot speak for the minister or for the government, but I assume that with the good work that's being done by the sector, perhaps it was decided that the role of chair could be filled on a part-time basis. I read only with interest that Mr Sadinsky has stated he is certainly very happy to put in whatever time is needed to get the job done. He has served on the commission for four years and part of that as vice-chair, so I'm sure he's aware of

the obligations he's going to have, and I'm sure he'll fill his duties there.

Mr McLean: I had some other questions, but I want to go back to the teletheatre operation. I too spoke with regard to the problems the racing industry was having, especially the Barrie Raceway, which is very familiar to me, and Jane Hutchins, who is the manager there. Do you think teletheatre's going save Fort Erie, Barrie, these types of tracks?

Mr McGirr: I would be hopeful. I spoke to this at the only time I had ever attended before the commission, in the date allocation hearings three years ago. There were two days of hearings, one for the live dates and a second for simulcast dates or intertrack dates. I said on that occasion that my vision was that we have 20-odd supervised tracks in the province, some of them of course much smaller than others, and it was my hope that we could certainly take horse racing to all those venues first and try to help and support them, and then later see what other market share would be available to us.

I would hope that everything could remain whole. I would have some concerns, obviously, about the future of perhaps some of the smaller tracks, but tracks like Elmira with simulcasting have come along, and I understand that Barrie is starting to experiment with some of those issues.

Mr McLean: How many teletheatres do we have now in the province?

Mr McGirr: It's my understanding that there are some 75 at this point. I know the previous chair spoke of 300 perhaps at some point in time. I don't know that that level will be reached in the short run, but, as I stated earlier, while we have seen some tremendous gains and they have resulted in increased handle, I'm sure this initiative is under review as we speak today, to take it in the directions that will show growth for the industry.

Mr McLean: Is there one at present operating in Windsor? I know they are looking for a new one when the new casino is built, but is there one there now?

Mr McGirr: It's my understanding that Windsor Raceway, Tom Joy and John Millson, who's president, are running a simulcast, because they're not live-racing now. In speaking with Mr Millson at the most recent sector partnership process meeting, he informed me, and I guess it's certainly public knowledge, that their simulcast or intertrack handle is up about 42% this year. I think that could be a direct result of some improvements they have made to their facilities there as much as it is perhaps any other issue. But certainly they seem to be pleased with what's happening there.

Mr McLean: The board adjudicates complaints against Thoroughbred and Standardbred licensees. A subcommittee of this appeal board is the drivers' review committee. Who would be on that appeal board of the subcommittee? Are they appointed by you? Who appoints that subcommittee?

Mr McGirr: To adjudicate appeals?

Mr McLean: Yes.

Mr McGirr: I assume that the chair, in the past, has brought together the members of the commission who would attend hearings.

Mr McLean: So you probably will be doing that now.

I observe that the hearings have run at about 100 a year since about 1990. Before that, there was a maximum of 43, 47, 45, but they're now running at 100 a year. Would you see that decreasing or changing? That's a lot of hearings. There were 100 hearings held, and I presume those hearings would be held on disciplining drivers or some—

Mr McGirr: Jockeys, drivers, trainers, just about any licensed participant in the industry. It could be owners, it could be trainers.

Mr McLean: But it doubled in one year and has stayed consistent ever since. What would be the cause of that?

Mr McGirr: Perhaps that might be a bearing down of the stewards at the racetracks and/or perhaps the participants felt that by putting forward appeals, they would delay the process to some degree and perhaps get out of penalties that have been levied by the stewards.

Mr McLean: What really interests me is the funds for equine research at the Guelph Equine Research Centre, located at the University of Guelph campus. The provincial rebate is 2% of the 7% tax; in other words, the research centre is getting 2% of the 7% that the government used to get?

Mr McGirr: No, I don't believe that's the case. I believe the rebate in total is some 2.25%, the \$25 million I referred to earlier, and that a small portion of that \$25 million is earmarked for Guelph. It is not the full 2%. The full 2% comprises the total \$25 million, of which a small portion goes to Guelph for its equine research. That's my understanding.

Mr McLean: So we don't really know what amount Guelph is getting. Perhaps the member could enlighten himself and let us know what that is, but I know it will be a substantial amount.

The other question I have was with regard to the impact, back to what Mr Bradley was talking about, of the casinos on the business we have. There's more than casinos involved: There's bingo, which you mentioned earlier on, and increased sales on Nevada tickets. What do you think is the future with regard to the 22 tracks we have listed here. Is it going to be a positive aspect?

Mr McGirr: Obviously, I'm here today to speak to horse racing issues and with respect to my intended appointment to the Ontario Racing Commission, but I think I would be remiss if we did not include gaming as a structure, because we know that's what it is today. It's no longer singularly horse racing. I have stated here previously today that I certainly feel that we can walk and chew gum, and that with the proper marketing approaches, I'm sure everybody will be able to coexist in the market and there can be a growth factor for the horse racing industry. I feel relatively good about that.

Mr McLean: Do you think Greenwood should be kept as a racetrack?

Mr McGirr: Obviously, it doesn't appear as though that's going to happen. There may be some other moves that may be made. I think the Ontario Jockey Club made

its move with respect to Woodbine and Greenwood for financial considerations. Certainly, it is a marvellous facility as they have developed it, and maybe that is the wave of the future, but that's yet to be seen.

Mr McLean: The bottom line is that there are about 28,000 people or more who are involved in the racing industry. There are farmers who sell hay, there are people who have jobs. It's a substantial industry in this province.

Mr McGirr: Without question.

Mr McLean: I hope you will make sure it stays substantial. I'm a farmer too; I sell hay. I wish you all the success in your appointment.

Mr McGirr: Thank you very much. I appreciate it.

The Chair: Thank you, Mr McGirr, for your appearance before the committee this morning.

Mr McGirr: Thank you, Madam Chair.

1130

ELIZABETH HUNG SORFLEET

Review of intended appointment, selected by government party: Elizabeth Hung Sorfleet, intended appointee as member, Ontario Human Rights Commission.

The Chair: Our final appointment review for this morning is Ms Elizabeth Hung Sorfleet. Welcome, Ms Sorfleet. This is an intended appointment as a member of the Ontario Human Rights Commission, and it's a selection by the government members.

Ms Carter: I'd like to welcome you here this morning. The obvious question is, why do you want to be a human rights commissioner?

Ms Elizabeth Hung Sorfleet: It's a very exciting opportunity to assist the society we have in Ontario to address social justice issues and issues of equity. I think it's also a very exciting and dynamic time to join the commission because of some of the recommendations for changes and also because as times change—the commission is now 32 years old—situations, people and the demographics change, so the needs have changed as well. With my background in advocacy as well as my background as a person in business, I think I can bring some perspectives of those two parties.

Ms Carter: Could you enlarge on that a little, what life experiences and work or academic experience you do bring to the Ontario Human Rights Commission?

Ms Hung Sorfleet: I'm a former refugee from mainland China, and that is a country that has had a very poor history of human rights, as you know. Human rights and the kind of legislation and protections we have in Canada and Ontario are ideals that I hold very dearly, professionally and personally.

What I would be bringing as a commissioner is a professional background as an advocate. My background was in social work. I have experiences working at the front line as a service provider; at the middle management level, where I'm supervising staff and ensuring that they're conducting their business in accordance with the Human Rights Code; as a senior manager representing the employer; and as an employer myself. My experience has been in the fields of disabilities, ethnocultural race relations, age, gender and anti-poverty issues. Presently

what I'm doing is having a consultant firm which does a lot of training on ethnocultural-based relations and on employment equity issues. I also have a pretty substantial record of activities in the community as an active volunteer, looking at issues of equity and access and integration of the designated groups.

Ms Carter: You have quite a rich background to bring to this commission. Given your background and your familiarity with all kinds of different issues—the situation in a country that maybe doesn't have human rights, disability issues etc—what is your vision for human rights in Ontario? Where do you think we're going?

Ms Hung Sorfleet: I think now more than ever the Human Rights Commission has a leadership role in terms of the kind of culture or society, country and province—the kind of Canadians we want to be and the kind of Ontarians we want to be.

Looking at the pattern of increases of the workload of the commission, there's certainly been substantial increase over a period of time in requests for information and in the number of cases that come for investigation and follow-up to the commission. Now, I understand, the commission is looking towards a very exciting direction of continuing to support and investigate the individual cases but also looking at it in a systemic way. I think that is the way to go, because we know these are not random phenomena that happen to individuals, but there's a pattern by reason of their membership in certain groups.

Ms Carter: That's right. Obviously, if you have a systemic approach, hopefully the number of individual problems will diminish, and that of course would reduce the administrative load and the backlog we've heard a lot about in connection with the commission. Do you think the employment equity legislation we've brought in, or other legislation, is going to help in that respect?

Ms Hung Sorfleet: I think so. That certainly is a move that many advocates in the community have been waiting for for a long time. We're very excited by Bill 79. I think there are also other developments, for example, in the Ministry of Education, Bill 21, on ethnocultural equity. There is a number of converging directions in different agencies and ministries that are addressing what we would like to move towards: a more just society.

I'm excited by the fact that the commission is going to be working, as I said, more on systemic issues, and also by the fact that there's going to be opportunity for interministerial work together.

Ms Carter: I agree with you: It is exciting. What do you feel are the challenges you'll be facing in the near future?

Ms Hung Sorfleet: I think it's one thing to have policies and legislations in place; the challenge comes in how we practise and are really walking the walk rather than just talking the talk; it's implementation. Also, the commission, like many other agencies, boards and commissions, has the challenge of living with our present economic realities, where there's a limitation to the degree and the amount of resources there are.

So it's to look at how the commission is going to address both the need to continue to support systemic cases as well as individual cases, and to look at strategic use of resources in interventions. I think that is going to be a major challenge. I feel the Ministry of Citizenship has a very important portfolio because it does talk about issues of equity and of citizenship.

Ms Carter: I agree with you.

We did have hearings on the Human Rights Commission, and, as I mentioned, there has been a problem of overload and backlog. I guess some people are of the opinion that applications should be screened and some people who feel they have a human rights problem should nevertheless be turned away, but I think it was the commissioner's attitude that everybody should receive due consideration. Do you go along with that?

Ms Hung Sorfleet: Ideally, what I would like to see is that every person who feels a grievance can have that investigated to the thorough degree that the complainant wishes. One has to also balance that with realistic workloads and the issue of the ongoing backlog. The work of the commission, the fact that there's a need for it, is very much validated by the fact that there is a consistent workload. I think one has to look at that.

I understand that there have been a number of examinations of procedures, infrastructure issues and questions, as well as looking at the structure of the commission itself, as to how it could work effectively and efficiently to serve the people.

Ms Carter: And of course quite a few changes have been made recently, and I guess we're hoping that is going to solve a lot of the problems.

I just have one more philosophical question, if you like. There are two opinions, basically. One is that when we have different immigrant communities or whatever, they should be assisted to keep up their own traditions and so on and thereby add to the mosaic of life we have in Canada. Others say: "Well, they came here. They should just learn English and forget everything else and be good Canadians." I just wonder what you feel about that.

Ms Hung Sorfleet: I think we have to go back to not only the exact wording but the spirit and the intent of the Canadian multicultural legislation. What that really means is something beyond celebration of differences. What it goes to the heart of, again, is: What is a Canadian and who is a citizen, and how long are immigrants or refugees immigrants and refugees before they're Canadians?

We also have to look at the issue that integration is a two-way street: that there is an onus on adaptation of newcomers to the key norms, values and practices of the host society, and also there is an onus on the host society to adapt, because culture is not static; we continue to change. We can say we have a different culture than our children will have. It's an evolving society.

I also feel that the economic times right now are not good, so therefore the work of the commission is even more key to ensure that we are addressing issues of discrimination.

Ms Carter: There tend to be jealousies and spiteful-

ness and so on; when people feel unfortunate they look for somebody to pick on.

Ms Hung Sorfleet: Everyone is hurting.

Ms Carter: Thanks very much. I wish you well.

Ms Hung Sorfleet: Thank you.

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Mr Curling: Thanks for coming before the committee. Your appointment to the Ontario Human Rights Commission is, as you know, the way you spoke to: You understand the kind of commitment and the importance to serve on this commission.

The commission I feel has needed a lot of direction and somehow to be focused. To the worst degree, it had suffered from poor morale at one stage, and maybe still continues to have some morale problems. This is not a good sign whatsoever.

We expect that the Ontario Human Rights Commission, which is looking after the rights of all—and I emphasize all. Too often I have a feeling that some people feel they're not included in this process.

Having said all of that, I think it plays an extremely important role. I also feel it's very difficult because it's under the microscope all the time, and any slippage at all will come under severe criticism by the media and individuals who need to use its service.

I have a concern and of course I will voice it, but I don't expect you to comment on it. I feel the minister herself is not fully committed to this kind of process, and that's where leadership has to start in this respect.

While we have a human rights commission that serves all, there are individuals in our society, Canadians, who feel—and I will be specific—that they will not be properly served by coming forward, especially talking about equity rights, fairness to be dealt with. Individuals in our society, like white males, feel, "I don't think I can be properly served by the Ontario Human Rights Commission because of the attitude and the feeling out there." How do you respond to a criticism or observation of those people who feel that way?

Ms Hung Sorfleet: First of all, the commission is there to serve everyone who has a grievance, where they feel they have been discriminated against under the provisions of the code, so everyone should get quality service. We're aware that because of demographic changes and social changes, persons who have perhaps in their past enjoyed more power and privilege may feel that their needs and their issues are not being attended to right now. I think we need to acknowledge from the beginning that what we're doing is addressing some very, very old issues of injustice and that the playing field is not level yet. I think there's a need to educate and to support people, because what we're talking about is changes in attitudes and perceptions and values.

Mr Curling: Let me follow through on that cliché about the level playing field, that the playing field is not level yet. We all consider ourselves tall if we can make the other individual short; it does not necessarily mean that others should grow. In fact it's to recognize people's differences and to make sure that the barriers or the discriminatory practices are being eliminated.

Do you feel the reason we can't get the playing field level is because of the enforcement procedures of the Ontario Human Rights Commission, that it does not enforce the legislation, or the government itself doesn't want to make sure this legislation is enforced properly, so what we do is create bureaucracies, or we create bigger bureaucracies to deal with other systemic issues?

We created employment equity to deal with systemic discrimination in the workplace, where basically sometimes it's not in the workplace that has most of the impact but maybe the schools, and it goes on and on in society. We created pay equity, and women would have been more addressed in that situation, so we got cloudy in all of that.

But in the meantime, the enforcement aspect of the Ontario Human Rights Code would have eliminated it and made sure the playing field is level. In other words, if we fine individuals who are violating these laws, what we'll do is come down with the fullness of the law on them. The question then is, do you feel the Ontario Human Rights Commission goes about in administering its powers effectively?

Ms Hung Sorfleet: I think the things you're talking about are very large macro-level issues, and that the Ontario Human Rights Commission is one mechanism that addresses these issues of inequity and injustice. In terms of what might be effective ways of addressing the macro-level issues, one way is education and policy development and communication, and another way is corrective action. When we're talking about enforcement, I think we're talking about the second alternative; that is, the enforcement aspect, which is more corrective.

Because I'm not in the commission yet, I don't think at this point I can give you a valuable or informed response to that specific question. I think we have to take a look at what the procedures are. I know there has been a great deal of concern from stakeholders, including consumers of services, elected officials, the media, advocates and the community at large, about the backlog, and that's a valid concern. At the same time, in fairness to the commission, I think one has to look at some of the infrastructure issues.

For example, as someone who has considerable experience as a senior manager in service-providing organizations, I think an organization will not survive very long in a healthy way if it doesn't evaluate and take periodic assessment of its own procedures and if it doesn't address the infrastructure, because it's the infrastructure upon which the service provision is based.

I think the commission has been working towards resolving some internal and external issues. To what extent they have progressed on that, I'm not privy to that right now.

The Chair: There are only three minutes left, if you wish to give Mr Bradley a turn.

Mr Curling: I'll give Mr Bradley a turn. If there's any more time, I will ask more questions.

Mr Bradley: In our courts of law in Ontario, an individual who is the subject of a complaint or a charge is presumed to be innocent until proven guilty. There has

been considerable discussion of the fact that when one is the subject of a complaint with the Ontario Human Rights Commission, one is assumed to be guilty and must prove his or her innocence. Do you believe a person should be presumed to be innocent, even though that person is the subject of a complaint, and not necessarily be in the position of being totally on the defensive, having to prove that the person is not guilty?

Ms Hung Sorfleet: I would hope that the staff of the commission and the commission as an entity approach the situation where there's a complaint with an open mind, conducts fact-finding activities, and takes into consideration the views and the statements of both parties. As you know, the first level attempts to mediate, the second level attempts to conciliate, and only at higher levels does one get into adjudication and arbitration, so I think there are step procedures to look at that.

Obviously, if we're approaching an educational way, which I think is a better way and a more positive way, one of the things one has to do is to provide a mechanism that is fair and seen to be fair—and those two things are very important, both fair and seen to be fair—and open and neutral so that the party against whom a complaint is made feels less of a pressure to be defensive. That's not a comfortable position to be in either.

1150

Mr Bradley: A second question, unrelated: Do you believe the Ontario Human Rights Commission, as it serves all of the province of Ontario, should reflect fairly accurately the demographic makeup of the province of Ontario? As we are making efforts through government today to ensure that agencies, boards and commissions do so, do you believe the Ontario Human Rights Commission should fairly accurately reflect the percentage of the population in terms of demographics in the province?

Ms Hung Sorfleet: I think it's advantageous to have representation, for several reasons. One is that there is nothing like making a statement of a commitment that is demonstrated in fact, where people see that the commission is representative. It gives a very clear message of the philosophy and the intent of the code in terms of inclusiveness, equity, access and integration.

I also feel it's important to have representation not just for the perception of inclusiveness and equity and access but also because people who come from different walks of life can bring different experiences, knowledge and skills to the kind of role they're going to play on the commission.

Mrs Witmer: One question that I don't think has been asked is, who approached you to apply for this position?

Ms Hung Sorfleet: I learned that there was an opportunity to apply for the commissioner's position—I understood there were some vacancies—so I applied.

Mrs Witmer: Can you give three reasons why you feel you are particularly qualified? You have an extremely impressive résumé here, but just highlight for me three of the reasons you think would qualify you.

Ms Hung Sorfleet: I think I can bring to the position both personal experiences, in terms of what it's like not

to be treated in an equal way, and professional work experiences as well as community experiences. For example, I'm experienced, as you can see from my résumé, in policy development, public education, communications, program development and evaluation, research, strategic planning, organizational change. In the last few years I have been working at the level of institutional change in terms of identifying and addressing systemic barriers to full participation of different equity groups. That is part of what I can bring.

I feel also that I have personal attributes that would be a valuable contribution. As I was saying to Mr Bradley earlier on, it's important to be fair and open and neutral and it's important to be perceived to be that way. While I'm fair, I'm also objective, and while I'm passionate and committed to social justice issues, it is not based on rigid ideology. I think that's very important, because we will on the one hand be looking at individual situations and on the other hand be able to look at it on systemic issues. So I think it's also important that I can contribute the analytical, critical analysis kind of experience.

Mrs Witmer: As has been pointed out, this commission has been under tremendous review in the last few years, and change and what have you, and it appears that Rosemary Brown has made some progress.

When this committee looked at the commission, the recommendation was made that the commission should not deal with a complaint filed 12 months after the date except in exceptional circumstances. Can you comment on that recommendation?

Ms Hung Sorfleet: I think the rationale behind that recommendation was to deal with the ongoing concern over backlog; that would be my guess. I might wonder whether that in itself might cause a barrier in terms of seeking justice. I would need to know more about how that really impacts on the affected parties before I could answer that correctly.

Mrs Witmer: I guess there is the escape mechanism—

Ms Hung Sorfleet: Exceptional circumstances.

Mrs Witmer: That's right. It would be at the discretion of the commission to decide. I think that needs to be there, that you would not want to arbitrarily—because I agree with you: I think that in itself sets up a barrier. There are people who sometimes need that time to develop the confidence to come forward with a concern and complaint.

The other one was a recommendation that what constitutes undue hardship in accommodation cases arising under the Ontario Human Rights Code should be clearly articulated in regulations promulgated by the government. Can you comment on that particular recommendation?

Ms Hung Sorfleet: I would guess that the rationale of the genesis of that particular recommendation would be speaking about accommodation needs for persons with disabilities. This was a debate I was having as an employer last night with another employer. There's always the concern, as an employer, what is this going to cost? That is a fair question. At the same time, if we're

really committed to equity, I think we really have to take extraordinary means and measures to make sure that within our resources, we undertake what is necessary for accommodation.

I notice that the single largest group of equity-seeking consumer service users has been persons with disabilities, and that does not surprise me. In terms of access to services, quality of services, housing and particularly employment, I think our record has been deplorable and needs considerable improvement. It is quite unacceptable that, depending on the study one bases, unemployment is anywhere from between 30% to 80% of persons, who are employable, who happen to have disabilities. There is still the attitude that disability is equal to inability, so I think some of these are really attitudinal changes, regardless of which equity group.

As we were discussing last night as a group of employers, some of the changes in accommodation need not be tied to dollar figures; we need to be looking at creative solutions. I think one has to look at every means to try to accommodate. That's something I really hope the commission can take a real, strong, proactive leadership role on.

Mrs Witmer: When we were taking a look at the issue of employment equity legislation, there were a number of disabled people I spoke to. For them, for example, transportation was a barrier to employment. It simply wasn't available to them.

The other issue that was raised by some of the employer community was the issue of tax credits, that obviously we need to make the workplace more accessible for the physically disabled; however, in some cases there are tremendous costs involved. They were looking at tax credits. What would your opinion be? Do you have any comment on that suggestion?

Ms Hung Sorfleet: I appreciate the financial concerns of employers. I can understand that, like everyone else, we're all living with budgets. If there is a way employers can be assisted and supported so that they can be more equitable, I would really like to see us pursue that actively, assertively and creatively. My concern is that when we speak about employment or services or accommodation for persons with disabilities and the whole question of cost of accommodations or changes comes up, it would be very seductive, looking at Bill 79, to accommodate certain groups of persons with disabilities who are—how shall I say?—easier to accommodate financially. That's a real concern.

Mrs Witmer: And I think that's going to remain a concern for many people. I wish you well in this endeavour. I'm sure your experience will enable you to do an outstanding job.

The Chair: Thank you, Ms Sorfleet, for your appearance before the committee this morning.

Ms Hung Sorfleet: Thank you, Madam Chair, and members of the committee. I appreciate the opportunity to meet with you.

A. JOSÉ MUT

The Chair: We have one matter of business before we adjourn for lunch, a matter of one of the selections by

the government party: Mr A. José Mut, an appointment to the Ontario Development Corp. Mr Mut was unable to appear before the committee; he declined to appear before the committee because of his business and vacation plans. It is a government selection, so if a government member—

Ms Harrington: On behalf of the government side, I move that his appointment go through without coming to the committee.

The Chair: All in favour of that?

Mr Curling: One second, Madam Chair. Ms Harrington said it goes through without committee review. I presume all she meant is that the committee has a right to call him again if we need to, and she may not choose to call this one.

The Chair: But it was a government selection to come before the committee, so it rests back with a government member to say it's all right for the appointment to go ahead without him appearing before the committee. You would have the same option with one of your appointments had it been your selection, Mr Curling.

That motion is carried.

Ms Harrington: Thank you very much.

The Chair: We recess for lunch.

The committee recessed from 1201 to 1403.

DONALD CURRY

Review of intended appointment, selected by government party: Donald Curry, intended appointee as member, Ontario Advisory Council on Multiculturalism and Citizenship.

The Chair: We will resume the hearing. Our first intended appointment for review this afternoon is Mr Donald Curry. Welcome to the committee. The appointment is as a member of the Ontario Advisory Council on Multiculturalism and Citizenship. This is a selection of the government party and we will start with Ms Carter.

Ms Carter: Welcome to the committee. Could you tell us what you think is the importance of the Ontario Advisory Council on Multiculturalism and Citizenship, why you think it needs to be there?

Mr Donald Curry: Its importance is to provide province-wide feedback and consultation to the government, and to the Minister of Citizenship in particular, on any matters relating to multiculturalism and citizenship. In my past experience on the committee, we reacted to position papers and consultation papers of the government and we met with the minister a number of times. It gives the minister an ear to the various regions and concerns of the province.

Ms Carter: Why is it multiculturalism and citizenship?

Mr Curry: You've got me there. Historically, I don't know how the two came together. In my last term on the council, there was a special committee on citizenship matters. I was part of that committee and what we looked at was new citizenship curriculum for the school system. We worked with the Ministry of Education. But I think multiculturalism is certainly the main thrust of the committee.

Ms Carter: Right. Could you tell us what kind of experiences and skills you bring that are relevant to this council?

Mr Curry: I've been involved in this field since about 1987-88. I used to be an administrator at Canadore College in North Bay. In that position I was responsible for the college's race relations programs. We started one program in particular, the International Day for the Elimination of Racial Discrimination. We started with a number of schools in North Bay. It then branched out, over the next few years, to include pretty well all of northeastern Ontario, all the major centres, and actually expanded into three other provinces as well. I was the director of that project, working with a project team.

I'm past president of the North Bay Immigrant Support Services in North Bay, a body which I've been associated with for five or six years, and chair of the race relations committee for the city of North Bay police service.

Ms Carter: Some people might think this wasn't a big issue in North Bay as opposed to, say, Toronto, so could you explain a little more what the issues are as far as northern Ontario goes?

Mr Curry: My own particular concern and area of expertise, if you will, is anti-racism, and I think that's a concern right across Ontario. It perhaps gets more media play in Toronto, but it's certainly an issue right throughout the province. Aboriginal populations in northern Ontario have been experiencing racism ever since time began, so there are lots of examples. Also, the population of northern Ontario is becoming increasingly multicultural, not to the extent and the quickness that Toronto is, of course, but it is happening slowly. Along with the aboriginal population, it is getting much more diverse, and the problems that creates will be there as well, and they're there already.

Ms Carter: Do you think we've made some progress, for example, with the Employment Equity Act as far as relations go?

Mr Curry: Oh, yes. I think it's probably the best piece of legislation I've seen come out in years, and it's certainly going to have an effect. I know there's an extreme backlash against it in some quarters, but I think time will prove that it's going to be extremely effective. When the minister was coming out with that, she did enable the committee to have a look at the discussion papers leading up to the legislation, so we did have some input there. I think it's a good piece of legislation, long overdue, and is certainly going to help the four target groups.

Ms Carter: Thank you very much. I will proceed to my colleague.

Mr Marchese: I have a few questions that are of interest to me. I'm a strong supporter of anti-racist and multicultural policies; I've been a supporter for quite a long time. I am happy that we have moved away from what Mr Hassan has described as festival multiculturalism, which we used to call song-and-dance multiculturalism, moved away from that to a much more proactive approach to what we, some of us, think multiculturalism should mean, having to do with issues of

access, issues of equality and issues of participation.

While I'm interested in hearing that, I haven't heard much about what the advisory council on multiculturalism has been doing in the last little while. Have you heard about some of its activities that you can share with us?

Mr Curry: I'm sorry; I've been out of the loop for the last year and half, I guess, since I've been off the council, so I haven't kept in touch with its activities. They've gone through a fairly severe restructuring: The number of committee members has been drastically reduced. The office staff and where they're situated—I understand there are three different advisory councils sharing office staff. I think for the last number of months that has been their preoccupation. Where Mr Hassan is headed over the next number of months, I'm sorry, I don't know.

Mr Marchese: That's all right. There has been some backlash against multiculturalism in the last many years, but more so in the last five. There are many proponents of different political parties that express this view. Somehow there is a belief that supporting multiculturalism or even—no, I suspect they wouldn't say this of anti-racism—that somehow it's to be less Canadian when we argue for a multiculturalism that speaks about equality issues, access and participation as opposed to song and dance.

Do you have a view on this in terms of what you think an advisory committee could do or should do? How do we combat that? What is your view about some of the opposition to multiculturalism?

1410

Mr Curry: In my view, that should be a major role of the advisory council. I believe it is in the mandate to help promote multiculturalism throughout the province. I think it can do that a number of ways just through our own local organizations that most of the members are involved with and the council itself. Certainly, there's a lot of confusion out there as to what multiculturalism is. The song and dance, as you refer to it, is still ingrained in many people's minds as being that's where all the government money is going, but in reality there's no government money going to song and dance. There used to be, but that's no longer the case.

Much of the money is going for access issues, equality issues, anti-racism issues, as it should, and that certainly has to be the thrust over the next decade at least and probably longer, because there is a backlash out there. I read in this morning's *Globe and Mail*, on the back page of the front section, that somebody is sick and tired of multiculturalism, a writer writing in. You see that day in and day out, in letters to the editor, newspaper columnists. The employment equity legislation has certainly taken a beating from newspaper columnists, but you find that a lot of it is based on inaccurate assumptions, inaccurate data, and probably you wonder if these people have really stood out on the street and looked at the people who are going by and said, "Hey, gee, things have changed in the last 20 years."

Mr Marchese: Again, there are many Canadians who are of different cultural and linguistic origins who have

no problem saying, "I am Canadian Italian," or Canadian Portuguese or Canadian whatever, and find that you can't leave what you brought with you at the border, that in fact it's part of who you are. But it doesn't make them any less Canadian. In fact, most of us speak the language here—that's inevitable—and we internalize many of the cultural institutions, or at least the policies that come forth from these institutions. Do you have a view about the hyphenated Canadian?

Mr Curry: Yes. We're all immigrants. Canada is basically a nation of immigrants, except for the aboriginal people. I think the hyphenated Canadian may—I have no trouble with it, but I think the second generation or the third generation from whatever country they're from will probably be dropping the hyphens and they'll be looking at themselves as Canadian first. That's what's happened with every wave of immigration that we've had so far. It's nothing new that recent immigrants are very interested in their homeland, their language and what's going on in politics; that's happened with every wave of immigrants that Canada has had. There's really nothing new there. But I think the second and third generations will probably tend, as history has shown, to drop the hyphen and think of themselves as Canadian first with Hungarian ancestry or whatever.

Mr Bradley: My questions deal with some fairly recent writings that touch on the issue of multiculturalism. I too viewed, as very likely you did, the CBC program the other night, an extended CBC program on the issue of multiculturalism. There seemed to be a pretty balanced presentation made on that occasion, which is unusual—I'd better hold back on that, but it was balanced, I thought, and very instructive.

There have been a few writings recently that you may or may not be familiar with. I assume that you probably are, but if you aren't, you aren't, and there's no problem with that at all. The *Disuniting of America* by Arthur Schlesinger Jr—and Arthur Schlesinger Jr, as we would know, is an ultraliberal writing about the tugging at the centre, the tugging at what keeps America together, recognizing America is different from Canada, and an ultraliberal expressing concerns about multiculturalism in the US.

The second was by former Senator Eugene McCarthy, called *A Colony of the World: The United States Today*—it's not as widely circulated in Canada—where essentially he expresses some concerns, again, about whether the centre is strong enough to sustain the tugging at it. Both, particularly *The Disuniting of America*, also deal with resegregation. After all the fights we had to end segregation, there seems to be a thought out there that segregation is good again.

The third one is *Selling Illusions*. The author was on television; I don't have the book with me right now, but he was on the program. Do you have any thoughts—it's a wide-open question, so you can answer any way you wish—about those kinds of thoughts expressed in those books?

Mr Curry: I watched the CBC program that you referred to, and I think Haroon Siddiqui, the editorial page editor of the *Toronto Star*, put it well. He said that

we've had all this before; it's nothing new. Canada's still judged by the United Nations as the best country in the world to live in. We can get over this, it will pass; it's just a matter of it's growing pains, it's accelerated change. We're changing fairly quickly.

You're referring to the American context. You know, in my view there's been this myth that the Americans have this melting pot. Well, nothing really melted in the United States. If you travel into any of the major cities, you'll see the segregation by neighbourhood and by language. The fact that it was a melting pot is really a myth, in my view. The way that Canada's going about multiculturalism is certainly the best alternative available: You can segregate, you can try the melting pot approach, which didn't work, or you can do what Canada's doing, which I think is the best course.

Mr Bradley: On campuses in the United States, again looking at the American example, because often we end up with it a number of years down the line even though we're different countries and have different history, we're seeing some people expressing the viewpoint now that we should segregate again. I was one who was a strong supporter of integration. I used to write letters to politicians in the southern United States who were courageous enough to be in favour of integration and fight the segregationist tide. We now see people advocating segregation again. For instance, there is an Afro-American house on the campus and there is a Jewish house on the campus and there's something else, perhaps an Asian house on the campus. So people seem to be going back to segregation as some kind of solution. Do you have any observations, comments about that? With your experience, I'd be really interested in what you think.

Mr Curry: To me, it's not a healthy trend. I can see the rationale for it—people certainly are more comfortable with people who share the same culture and language—but I think it is a step back. I think there are some moves afoot now for a native community college in Ontario. I'm mixed about that one. Coming from spending 14 years in the community college system, I know there are many, many problems with native education. Perhaps that is a solution, but I'm not convinced that it is the best solution. Hopefully that's just a phase we're going through and these sorts of things will lead to getting together in the long run. Hopefully it's just the people who are fairly new to a college or university who seem to need those sorts of things. To me it is a step back, and it's not something that I would like to see encouraged by government money, or government support even.

Mr Bradley: Looking at the issue of employment equity, you spoke in glowing terms of the employment equity legislation. That would not be the description that the majority of my constituents would give to me about employment equity legislation. I understand that it's detailed legislation and it's difficult for everyone to understand all of the details of such legislation. How do you believe employment equity legislation can be made acceptable to the vast majority of people in this province, many of whom feel that they will be threatened by employment equity legislation?

Mr Curry: I think there has to be a very strong education campaign, perhaps a social marketing campaign. I've done a number of trainings myself on employment equity where I've gone into workforces, not so much on the legislation itself but trying to swing people's attitudes over from being against it to supporting it. Once you lay the facts on the table and once you get discussion going in a room such as this with, say, a number of people such as we have here, it's amazing how many can swing over in the course of an afternoon.

What I've found, and my experience is probably based on maybe two dozen trainings over the last couple of years, is that those who have very strong feelings against it do not have all the facts at their disposal, and once they get those facts and once they feel the emotion from people who are affected by it—if you have people from the four target groups present in the discussion and they present themselves with some degree of emotion and show why they're in favour of it—very often you'll turn these people around. Certainly not everyone; there are lots of hard-core folks who are not going to agree with this legislation no matter what you do. But I find education and discussion has turned a fair number of people around, in my experience.

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Mr Bradley: How does multiculturalism and the encouragement of multiculturalism fit with trying to stop wars when people reach the Canadian border? The Irish Catholics and Protestants, for instance, the people from the former Yugoslavia, maybe people from Rwanda if they came from the two sides, many people come here and resume their war. Does multiculturalism encourage that, or should it be utilized to discourage that, or how can it be utilized to discourage those battles being brought over here? Is that possible?

Mr Curry: That's a tall order. I don't know that multiculturalism policy per se affects that one way or the other. If they were going to another country and they felt that strongly about their homeland, I think the same would be the case. I can't see anywhere in government policy that exists now how you're going to change that or eliminate that problem, or even what you could do. You got me there.

Mr Bradley: I know it's a difficult one. But there are some people who would contend, I think without justification, that if you didn't have multiculturalism, somehow all these people would get along well when they're over here because they would all just think they're Canadians and they wouldn't have to worry about it. I don't believe that for a moment, but I wondered if there was a role that the multiculturalism council could play in terms of that.

Mr Curry: I think maybe just educating everyone about what multiculturalism is all about and what is favourable behaviour and what is not favourable behaviour and the citizenship role. Somebody asked me earlier about the citizenship part—Mrs Carter. I think that has to be taught more in the schools and more to immigrants. I think once they do become Canadian citizens they get a very firm grounding on what it means to be a Canadian citizen, but prior to that maybe they don't. Hopefully the school children are getting that information.

I know three years ago when we worked with the Ministry of Education and looked at what was being taught on citizenship in the schools, it was very, very little. There was a committee with the Ministry of Education looking at that whole issue. I'm not aware of how far along that's gone since my involvement in it, but that is certainly one area where you get at the younger kids anyway.

Mr Bradley: Will there be a—

The Chair: Thank you. I'm sorry.

Mr Bradley: I was just going to ask—

The Chair: No.

Mr Bradley: I haven't had a chance—

The Chair: I'm sorry.

Mr Bradley: I would have asked if there was going to be any hockey played this season, because you're a sports fan, but I'll leave that.

The Chair: Thank you, Mr Bradley. Mr McLean or Ms Witmer?

Mr McLean: Welcome to the committee. Is there a president of the human rights and race relations programs in North Bay now? You're the vice-president; who is the president?

Mr Curry: Of the centre where I work?

Mr McLean: Yes.

Mr Curry: The president is Gary Gould.

Mr McLean: Who funds that centre?

Mr Curry: It's funded, probably number one, by an anonymous individual donor; number two, charitable foundations; three, federal government; four would be the provincial government, the Anti-Racism Secretariat would have a couple of projects; and fund-raising that we do as well, bingos, Nevada tickets, that sort of thing.

Mr McLean: I see that you're going to hold some one-day seminars across Ontario and California and Florida. Who's going to pay for the costs of holding those seminars?

Mr Curry: In Ontario, hopefully we're getting a private charitable foundation. In fact, we're going to find out next week. It's gone to the board of the private charitable foundation. In California and Florida, it'll be the same thing; it'll be non-government money, foundations that are set up with that mission of promoting multiculturalism and race relations.

Mr McLean: I see you've done some work "Leading a project with the North Bay police force and the Ontario Provincial Police head office in Orillia to develop a race relations audit instrument for police services across Ontario." Where does that report stand now?

Mr Curry: It is almost completed. We are now pilot-testing it with the North Bay police service, and the provincial police are selecting five detachments where they're going to test-pilot. The test pilot is supposed to be back to us by the end of this month, and then we'll have the final audit document back to the province, the Solicitor General's department, by mid-November.

Mr McLean: That's your human rights and race relations programs centre that's doing this in North Bay?

Mr Curry: Yes, the Canadian Centre for Social Justice is the name of it.

Mr McLean: Do they pay for that audit? Who is paying for that audit that you're doing? Do the police forces pay for that?

Mr Curry: Yes, the race relations and policing unit of the Ministry of the Solicitor General.

Mrs Witmer: Mr Curry, you indicated that you were most supportive of the employment equity policy that had been introduced by the government. I'm not sure whether you're aware of the fact, but there is one portion of it that we do not support. That is the section that relates to numerical goals, which in essence really do give the minister the ability to establish quotas, because of course at all occupational levels in any sort of an endeavour, whether it's private or government, depending on the size of the organization, in the end you're going to have to come up with an organization that reflects the number of people in a community. We find it somewhat unrealistic to expect that everybody across this province would want to have equal representation in all occupations and all professions. So although we support equal opportunity for all individuals, we do not support the numerical goals. My question to you would be, how would you feel about that section of the legislation being removed?

Mr Curry: I would be against that. I think the numerical goals are the teeth of the legislation. I wouldn't equate them with quotas. I think quotas are a fixed number, whereas the goals can be changed if there are extenuating circumstances: the labour force changes, the economy changes, the company is downsizing etc. Those goals can move, whereas a quota can't move. The way it's set out now, I believe, was a compromise from the initial position of the government, and I would not want to see it weakened any further.

Mrs Witmer: That is the one part of the legislation that does trouble many people. I guess we need to ensure that in this province we do work harmoniously together. We believe in equal opportunity, but we feel what the government is attempting to do there is to prescribe the results, and that would certainly concern us, because eventually this can work to everybody's disadvantage. Once you get your numbers, it can work against women, it can work against the visible minorities, it can work against the disabled, it can work against everyone. Anyway, I just wanted to get your comment. Thank you very much.

The Chair: Thank you very much, Mrs Witmer, and thank you very much, Mr Curry, for appearing before the committee this afternoon.

Mr Curry: You're welcome. Thank you.

ZOLTAN SIMO

Review of intended appointment, selected by government party: Zoltan Simo, intended appointee as member, Innovation Ontario Corp.

The Chair: Our next intended appointment for review this afternoon is Mr Zoltan Simo. Welcome to the committee. The appointment is as a member of Innovation Ontario Corp. Again this is a selection of the government party. We'll start with Ms Harrington.

Ms Harrington: Thank you for coming forward today. I think we should all try to figure out a little bit what the Innovation Ontario Corp is, because they don't have a lot of information actually before us. Maybe you could help us; I'm not sure, because you're not there yet. How long has this organization been functioning?

Mr Zoltan Simo: I think it's been active for about six years; I'm not sure. It's part of the Ontario Development Corp, so I think it's been on its own about six years.

Ms Harrington: How much money annually would it handle in investment?

Mr Simo: I looked through their annual report, and it appears that in the last two years they did about \$19 million in investment in each of those years; prior to that it was under \$10 million.

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Ms Harrington: It was \$19 million in the last two years?

Mr Simo: Each of the last two years.

Ms Harrington: That's very helpful for us. When the corporation gets together, do you know what the mandate would be? Do you have guidelines as to what would be appropriate for investment?

Mr Simo: My understanding is that they'll invest up to a million dollars in equity, or pseudo-equity, in a corporation that brings some technology and innovation and job creation to the province of Ontario.

Ms Harrington: Are there guidelines or direction given from any of the ministries?

Mr Simo: I understand that it comes under Frances Lankin's department and that they do have guidelines for each of the corporations of Ontario, including Innovation Ontario. I haven't been briefed by Innovation Ontario as to what those guidelines are, but I have had some exposure to them in the past with a couple of companies I've worked with. It appears that they're looking at companies where their equity would help that particular company become successful by utilizing their technology and creating a business that may not otherwise be created.

Ms Harrington: I'd like to briefly let you know that in the Niagara area we've been very hard hit. Our traditional industries are very quickly disappearing. I'd like you to bring that to your job, that we do need more high-tech and niche marketing.

Mr Bradley: Like casinos.

Ms Harrington: Besides casinos. If you had a company come before you that did not have a track record, what would you use to judge that company?

Mr Simo: The first thing I would look at is what their business plan or their strategic plan was and what kind of technology they had, whether it was really innovative or whether it was just a "Me too." Assuming it was innovative, then you would spend some time trying to assess the technical expertise and the R&D expertise behind that particular innovation and put on it some sort of probability of success. If the probability of success was reasonable, then I think, as one of the board members, assuming it was recommended by the staff and their analysis, I'd vote in favour of it.

Ms Harrington: So obviously you look to staff for recommendations, but we would certainly be looking to your judgement as a member to assess the company in the future.

Mr Simo: Exactly.

Ms Harrington: I'm wondering if my colleagues have any questions.

Mr Curling: Thanks for coming before the committee, Mr Simo. This is quite a corporation, and I know it will also help stimulate, excite and encourage some of the people who are quite innovative in doing business. Do you know how they select these groups, which one would be the one that they target? How would this corporation select the corporations or businesses that are very innovative?

Mr Simo: I don't know. My experience in the venture capital industry is that you usually have a lot of proposals come forth. I think one of the functions of the analysts is to sort those out and bring them to the board. I'm not sure I can give you a direct answer to that question. My experience has been that there are usually more proposals than there is money in terms of this innovative area. So you have to sort out what would be useful and what would be truly innovative and truly advancement in technology or potential advancement in technology. Until I can get involved in that I'm really not sure what breadth of proposals they get.

Mr Curling: So you wouldn't know who does the seeking, then? You don't know if the companies seek out the Innovation Ontario Corp or Innovation Ontario Corp seeks the companies out.

Mr Simo: I think the Ontario Development Corp corporations are pretty well known by most businessmen, and the advisers who deal with the businessmen and the consultants and so on know the corporations. My suspicion is that if somebody's looking for capital, somewhere or another through the chain where they're looking for capital they would be recommended to Innovation Ontario or to the Ontario Development Corp. I don't know which one is proactive, but my guess would be that anybody looking for capital would know that ODC is around.

Mr Curling: I presume they have to be quite careful of those they select, the success rate, who survived or would be a good company. What is the success rate? Do you know? Maybe you are not privy to that kind of knowledge, but do you know the success rate at all?

Mr Simo: No, I don't.

Mr Curling: My colleague is itching here.

Mr Cleary: No. Welcome to the committee. When the capital is being raised, is that only in Ontario here or do they go beyond?

Mr Simo: My understanding is that it's just Ontario.

Mr Cleary: Just Ontario. So if a company or an individual patents something, you would go to Ontario companies to try to market it?

Mr Simo: Depending on the patented product they had, assuming it's a product; it could be software. Ontario is a major market in Canada. Most small com-

panies that are looking to get started try to get established in a major market. Patents are usually granted by country. So, assuming it was just a Canadian patent—many times they'll go after a North American patent, or US and Canadian—the patentor would either have a business plan or a partner or some little firm that he'd work with, or in many cases the people who put together the development and have it patented may want to do it on their own and they're an entrepreneur on their own, and would come to Innovation Ontario I would think to get some equity funding to get them off the ground.

Mr Cleary: One thing that we've run into in the last number of years was a product that was patented and they couldn't raise the capital to market it and then someone else patented something similar and they lost all their work. I know we had an incident like that about three or four years ago, and they were trying to market it in other countries. I think this was the committee they came before.

Mr Simo: I don't know the particular incident you're talking about, but in terms of patents, of course, there are only a limited number of them that are really successful. There are many more patents on products and services that are not successful, and in those areas, assuming the product was useful, it was probably a lack of marketing if they had the equity.

Mr Cleary: I see by what we have in front of us that you've really been around. I'm just wondering, with all the things you've done in your life, why you would spend your time on a board like this.

Mr Simo: I think everybody should spend some time through their life in different areas that might help society, and I think Innovation Ontario and the ODC do help society in terms of providing the free enterprise system with an additional boost. So that's where I come from.

The other reason is that I've always been interested in entrepreneurial and technology-type businesses, so this should be fun. It'll give me a little broader look at some of the smaller companies coming along, and hopefully I can contribute something based on my experience.

Mr Cleary: Well, I just wish you well.

The Chair: Mr Curling, we have three and a half minutes.

Mr Curling: In Ontario businesses fold a lot. There's a lot of bankruptcy that happens here. Do you think there's enough encouragement to induce the spirit of entrepreneurship for entrepreneurs to exist? One has to address those things, because if you are giving support to these groups or are encouraging the private sector to invest, I think that infrastructure should be such that one would see that encouragement and support are given. Do you think there is enough support here—and there's a lot to be done—or the environment is such that it encourages more entrepreneurs?

1440

Mr Simo: That's a tough question. My philosophical answer to that is that any time you're on 10% unemployment in a free enterprise economy, there isn't enough support. So something has to improve, and this is just one

vehicle to improve it. Philosophically, I don't think there is enough support for business in the Canadian society.

Mr Curling: There is a concern out there, you see, feeling even in Ontario or in Canada that the emphasis really is to look at China, because there seems to be a large critical mass there and money is there, and other areas of the world. We would hope that with some of the multicultural community that we have, we look at other areas of the world—I'm talking like Africa and South America: that the government of both regions, of the federal and provincial, does not encourage much of that. What is your feeling about that? Are you feeling there is enough encouragement or the emphasis has been swayed in another way that doesn't encourage those people who can invest in those areas?

Mr Simo: I think most investment by the private sector is done based on a potential return and a return on the investment. I think both the federal and provincial governments and North American governments have been pretty proactive in trying to get joint ventures and export marketing and moving technology abroad to the extent that it would benefit Canadian firms.

One of the problems you have in a smaller firm is that they are so focused on getting the business going that they can't look out, sometimes not even outside the Ontario borders, let alone outside the Canadian borders. So this is kind of an evolving process. I don't know. We have a trade surplus in Canada which as a Canadian I'm quite proud of. Some people say we're hewers of wood and drawers of water, but I think that we have a well-educated workforce and we have lots of examples of good high technology in this country that can be exploited further. I think we just have to continue to encourage it.

The Chair: Thank you very much. Ms Witmer.

Mrs Witmer: Welcome to the committee. What would the criteria be for the body that you're going to be sitting on, the Innovation Ontario Corp, as far as I guess the designation of a company that you would be prepared to work with? Do you know what the criteria would be?

Mr Simo: I'm not totally clear, but from the brochures and my exposure to it, in the Innovation Ontario part they have to be innovative, they have to bring some new technology, they have to have some business plan that makes sense, and the people have to have some credibility. So those are the kinds of criteria that I understand they would look at.

Mrs Witmer: Is there a minimum size or anything at all?

Mr Simo: I don't know whether there's a minimum size. I know that they invest, as I understand, somewhere between \$200,000 to \$1 million, and I think there is a size that they're going to develop into a reasonable business. So it's not a mom-and-pop shop type of operation, I don't think.

Mrs Witmer: And then you would support them until such time that the private sector would invest in that company? Is that the idea?

Mr Simo: That's what my understanding is, and that the equity would then be taken up by the private sector.

Mrs Witmer: Yes. We're at a bit of a disadvantage, you should know. We don't have all the information in front of us that we would normally have. It's unfortunate, but we don't have the background either on the corporation.

So you feel the experience you've had obviously would put you in a position where you could give the support necessary to the companies which would be asking you for assistance?

Mr Simo: I think, based on my experience, I'd be able to make some fairly good quantitative and qualitative judgements.

Mrs Witmer: Is there any area in particular that you think we should be pursuing in this province?

Mr Simo: Actually, there's such a wide variety of businesses in the free enterprise system that it's hard to say at the moment. Of course, everybody is looking at the information highway and high technology and what can go on an information highway. To the extent that there are some unique products or processes or software that can participate in that, I would think we should encourage that, because we do have a highly educated society in the province and we should try and use that to the extent we can.

Mrs Witmer: Yes, and actually, in meeting with people in my own community, which is Kitchener-Waterloo, there is an abundance, as you probably know, of firms that are certainly very interested in this particular area, but they all mention the lack of funding available to them to do any sort of expansion whatsoever. So obviously whatever we can do to help, we need to do that.

Mr Simo: Right.

Mrs Witmer: The banks are one area, but the government hasn't always been there with the assistance either.

I wish you well in the endeavour, and may the industry grow.

Mr Simo: Thank you very much.

The Chair: Again, thank you, Mr Simo, for your appearance before the committee this afternoon.

Mr Simo: My pleasure.

The Chair: Our next appointment is Mr Baljinder Singh Sidhu. We are running a little early. I don't know whether this appointment is here at the moment.

Mr Curling: They're quiet today. They didn't ask many questions. Is there a reason for that, Madam Chair?

The Chair: For who being quiet?

Mr Curling: The government side: Are they not? They requested quite a few folks here but they have not asked many questions.

Mrs Witmer: Is Mr Singh here? He's here. Good.

Mr Bradley: They have Rosario cracking the whip over there today.

BALJINDER SINGH SIDHU

Review of intended appointment, selected by third party: Baljinder Singh Sidhu, intended appointee as member, Ontario Human Rights Commission.

The Chair: This is an appointment as an intended member of the Ontario Human Rights Commission. I

would like to welcome you, Mr Baljinder Singh Sidhu. If I'm not pronouncing your name correctly, please tell me how it is pronounced.

Mr Baljinder Singh Sidhu: You're pretty close.

The Chair: I'm pretty close. I'm improving then. That's good. This appointment was selected by the Progressive Conservative Party, and we'll start with Ms Witmer.

Mrs Witmer: Welcome to our committee. I guess the first question I would ask you is, how did you become aware that there was a possibility to become a commissioner?

Mr Sidhu: I've been involved in the South Asian Action Coalition for the last one year. We've been pressing for equity in all areas, so we were looking at one of the areas, the Human Rights Commission, and we found that there are positions available. So I sent my form in with my résumé, and there you go.

Mrs Witmer: Following up on that, what do you feel qualifies you in particular to sit as a member of the commission? What experience have you had and what skills do you bring to the table?

Mr Sidhu: I did not see any qualifications for the commission members stipulated anywhere, but I feel strongly that I've been—I come from the private sector, where effectiveness and efficiency are the key factors. I also am greatly involved in my community, where I can bring my community feelings and cross-community understanding to the commission. Therefore, I can contribute towards building a better society.

Mrs Witmer: Did you say your group was very interested in becoming more involved, in my first question to you?

Mr Sidhu: No, in general. There are a number of organizations in the south Asian group and we were just looking at various areas in the government services, in the commissions, agencies, boards, women's views, all of the issues. So this was one of the issues we were addressing.

Mrs Witmer: Obviously, you're going to bring the perspective of your community. Are there specific issues that the commission needs to be aware of and take into consideration that we need to be aware of, from your own experience?

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Mr Sidhu: There are no specific issues which really I'd like to discuss in here, but there are of course the perceptions of the people out there saying that the commission may not be doing what it could do, you may not get justice when it's delayed, and there are issues around, is the commission itself following those guidelines that they're supposed to be following?

Mrs Witmer: We've had an opportunity as a committee, actually, to study the commission earlier this year, so I think we've heard most of the concerns that you've expressed and probably some more, and it seems to be working a little more effectively now in dealing with the issues.

What do you hope to achieve, then, in the future as far

as your role? What would you like to see happen to make the commission function more effectively and be more responsive to the needs of all the people in this province?

Mr Sidhu: I'll answer that question, but let me make a comment that since I came in, I didn't even wish everybody—we were just rushed into these questions, so maybe it's not too late to say good afternoon, everybody, and I will be willing to answer as many questions as you like.

As far as you are concerned about how I can work in the commission to make it better, I think there are two things: One, there is a backlog everybody is talking about.

Mrs Witmer: That's right.

Mr Sidhu: That is a problem, a perceived problem at least, with the public in general. So there are two ends you have to work. One is how you reduce that existing backlog, and the other issue is how you stop from building it up any further. It's like a deficit. So I think in two sections. One, you have a public education out there. All the employers need to understand what it means when they have infringements of the Human Rights Commission guidelines. On the other hand, you need to bring in accountability. I think we need to get some cost efficiencies and cost benefits out of the operation of the commission itself. I work in the private sector, I work daily, I'm in the meetings, and there's no meeting without a turnaround time.

Mrs Witmer: That's right.

Mr Sidhu: And everybody is asking for improvement in that time further for the next month. So I think there has to be accountability and there has to be upfront work through education and maybe initial stages to reduce that workload.

Mr McLean: I have a question or two. Welcome to the committee, Mr Sidhu. The question I have is, you're working for Xerox of Canada now?

Mr Sidhu: Yes.

Mr McLean: I see that you meet three days every six weeks, 27 days, to consider complaints; panels of three. There's an additional four to 10 days a year. Have you asked the management—or are you management? Is there any problem in getting time off to have these hearings, or what's the background there?

Mr Sidhu: I wrote a letter to my human resources department and originally they were not sure, because in the private sector very few employees go on commissions like that. They came back to me and they said they will gladly support that, the days, if I need to have those days off.

Mr McLean: You'd have those days off?

Mr Sidhu: Yes.

Mr McLean: What is the per diem for having hearings? Do you know? How much does a commissioner get per day?

Mr Sidhu: I'm not sure.

Mr McLean: They do get paid, don't they?

Mr Sidhu: That's what I understand.

Mr McLean: I don't know what they get either, but I know that they will be paid.

The other question I have is with regard to the other qualifications you have for this. I see you've been involved in many organizations as president and chairperson. There's no doubt that qualifies you to be part of the organization that you're being appointed to, but the "coordinator of activities for a joint committee of four major gurdwaras in the greater Toronto area": Are you over all the Toronto area?

Mr Sidhu: No. It means that from time to time the issue comes up. Let's say the Sikh community have an issue which they want to do something about. What I try to do is act as a facilitator, you know, sometimes get them together and say, "This is the proper course of action," rather than just demonstrating or taking some action in an individual temple. So these are where the ad hoc committees come up, and that one, particularly, came a year back. There was a member of the York University association, a member of the Toronto university students' association and Malton temple and Scarborough temple, and they actually asked me to become the coordinator in that process.

Mr McLean: Thank you for appearing, and I wish you well.

Mr Sidhu: Thank you.

Mr Marchese: I was looking at the table as it relates to complaints and by whom these complaints are made, and I have—

Mr Sidhu: I missed the first part of the question.

Mr Marchese: Sorry. I was looking at a table of who has made complaints to the Human Rights Commission, and I have noticed that the larger numbers, of course, relate to—well, not of course, but they relate to race and colour: 421,000 cases. The other big category of people who take complaints to human rights are people who have disabilities, handicaps: that's 422,000 cases. The other two categories that are very large are sexual harassment, which is 373,000 cases, and the other one is sex and pregnancy, which is 268,000, and then different ones based on age, creed, family status, marital status and so on.

I raise that because the perception out there in the community is that most human rights cases have to do with people of colour, racial communities, and I say it because it's not true that that's all we're dealing with when people take issues to the Human Rights Commission. Do you have an opinion about the perceptions of this? Do these statistics surprise you? Do you have a comment at all about the figures I've given?

Mr Sidhu: Figures are figures and perceptions are reality. You have to deal with them. But when you're working in the commission, you go with the guidelines. You don't go with the hearsay or what somebody says. You go with what you find after investigations, what is the fact.

Mr Marchese: Sure. Perceptions are often reality; it's true. When I looked at these statistics, though, it was startling, because one realizes that it only represents, out of the 1,745,000, about—what is it?—a tenth or so or an

eighth of these figures relate to colour. So I thought it was an important statistic to share with you.

What specific skills of mediation do you bring to this particular job: settlement mediation, conflict resolution? It's one of the things that I think is an important thing to bring to the job. Do you bring any of that?

Mr Sidhu: Yes, I do.

Mr Marchese: Could you describe some of those experiences?

Mr Sidhu: Okay. Part of my job, first of all, I started my life in Canada in the union and I was on a union negotiating committee and we had a very tough time. The company almost went on strike, and myself and another person were key negotiators in there, and that was one part of negotiations.

What I do on a regular basis is that I go to different business meetings. We sit in the meetings and we review with our supplier base in the company. We give and take. At the end of the thing, we try to have a balanced approach where we have win-win situation. There's no right or wrong. At the end of the day, if you can come up with win-win situation, that's the best solution. That's all I would say I have. Any other questions?

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Mr Marchese: That's okay for my part. I'm not sure whether other colleagues have questions.

Ms Carter: Why do you want to be a human rights commissioner?

Mr Sidhu: First of all, I'd like to be. Second, I have a personal strength. I believe in human freedom, justice and equality, and I think I have strength which I have experienced from my professional life and from my community life. I think myself being there, the perception will be out there across the community that this is open for everybody, plus I can communicate back to the communities as a facilitator between the community at large and the commission.

Ms Carter: We had hearings into the Human Rights Commission itself earlier on in front of this committee, and we found that the commission was quite troubled, being in all these backlogs, people who haven't been satisfied and so on. Of course, the Cornish report was an investigation into what should be done about this. Finally, the commissioner, Rosemary Brown, brought in various changes. I think one of the main ones was appropriate training of staff to make sure that they did the right things.

I just wondered if you know anything about this and if you feel that the commission is on track now and what sort of vision you have of where it should be going.

Mr Sidhu: I do not know about the Cornish report and I'm not in a position to comment on that, but as far as where it should be going, I have a lot of ideas. I look at it as a business. There should be accountability and there should be goals and targets. I think there has to be people's performance measured, and we have to have a turnaround time on issues.

I consult with some of the companies where I teach them about total quality management and that type of

information and service. So there are a lot of issues we can work at that have to be dealt with when first I learn to be good and then fast. So I need to understand the working and how it operates. From that team when we work together, I will have lots of things, I believe, to input.

Ms Carter: One point that was raised previously was that these are individual complaints but maybe more could be done at a systemic level to reduce the number of people who are going to have complaints and need to appear before the commission. I think some changes have been made fairly recently. I think the Employment Equity Act is possibly one that might serve to reduce some of the complaints and hopefully, as we progress, more accommodation is made; for example, for people with disabilities so that hopefully there will be fewer complaints that need to come before the commission. Do you have any feelings about how best to tackle these problems?

Mr Sidhu: I think it's essential in fact to tackle the problem as early as possible because that's the key, and plus, the employers have to be educated so that we don't end up in that situation.

In addition, I think not only employers but employees should be made aware of that you have—as they say, if the employee's informed and more knowledgeable, he is not a soft target. So education works on both sides, plus the resolution right at the beginning, as early as possible. I think that's the key to the success of this commission.

Ms Carter: What do you think the greatest challenge is to the Human Rights Commission in the near future that you can see?

Mr Sidhu: There are many challenges. There are 100,000 jobs for people out there for which they should be educated, and also all those people who are in the backlog, they need to have a just cause, that they were dealt with properly and they were given their remedial results. So it is a challenge itself to balance between trying to reduce the cases and trying to be fair with those people who are in the system. It's just a mammoth task but it has to be done. Someone's got to do it.

Ms Carter: Thank you.

Mr Curling: Thank you, Mr Sidhu, for coming before the committee. You do have quite a challenging role here and it doesn't pay very much. I don't know, it says it pays \$180 per day. Once you do the work of the commission—

Mr Cleary: It's more than we get.

Mr Curling: It's more than what we get, you say?

I want to ask you, are you familiar with the Cornish report? I couldn't hear you very well when it was asked, but are you familiar with the Cornish report?

Mr Sidhu: I heard the name of the report; that's all I know.

Mr Curling: I would say to you then, coming on the commission, one of the first things you should read is the Cornish report. The government spent thousands of dollars getting that commission going, and what they've done, they've hurried Ms Cornish, who was the major person that did that report, and they wanted some implementation of it and they put it on the shelf. While we

were doing a review of the Human Rights Commission, because the report was all about the reform of the commission, the minister herself has just made this comment that it's rather interesting and it has set the framework, but no official comments are being made.

You said you've heard about it. Do you feel if a government has spent so much money on a report like that, that there should be a formal report by the ministry and the minister herself acting responsible in one of the most important issues in this country, human rights? Do you feel that the minister should have a formal response to that?

Mr Sidhu: I don't know about the report, so I can't say what the minister should do.

Mr Curling: Regardless of the content, thousands of taxpayers' money was spent on this. It was done and asked for by the minister herself. Do you feel that governments should be responsible when they have reports out and ask for reports like that, that they should respond formally to this?

Mr Sidhu: I think in general when the government spends money on written reports, they should be followed and they should be looked at. In general that should be the—

Mr Curling: I just wanted to point out some of the inadequacies of the minister, who doesn't, I feel, take this work very seriously. This is a very serious aspect of government, people's human rights.

The budget itself, and you've heard about the backlog, and I would take it from this point of view, the budget over the years has been increased from \$12 million to \$14 million to a little bit over \$14 million, fourteen and a half million, and the backlog continues. In other words, issues and human rights cases are still being dragged on for two, three years—justice delayed, justice denied—and yet in 1993-94 the budget had reduced. Are you familiar with the kind of a budget that should be with this commission, and do you see as an indication of the priorities of the government that as the backlog increased, the budget decreased? What would be your comment to that?

Mr Sidhu: My comments about budget are, I don't know at the moment how that budget is allocated. You can allocate the budget in an efficient manner, probably in a way that is long-term beneficial, or you can have a balanced approach that allocates some to the long-term strategy and some to the immediate needs, so without having that knowledge, I would not be able to make any comments on this.

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Mr Curling: I know you have expressed your commitment to equity and fairness in regard to humanity.

Mr Sidhu: Yes.

Mr Curling: It seems, somehow, the way that governments address these issues is by creating bureaucracies. They have now created a number of equity bureaucracies, running from—well, we have the old one called the courts, we have another one called the Human Rights Commission, we've got another one called the Ombudsman, another one called pay equity, another one called employment equity, and it goes on and on, creating

great bureaucracy, yet we have, in all of those that I've mentioned, a tremendous amount of backlog.

As some of the thinking you've done all your time about equity issues and dealing with human rights issues, do you feel a coming together of all these equity bureaucracies, paying a lot of bureaucrats a lot of nice, top money, appointing a whole bunch of people to boards with lots of money too, moving around like we're really doing something towards human rights, yet the backlogs continue?

I was just wanting your comment on that in two ways. One, do you feel that the enforcement of human rights violations would eliminate all this growing bureaucracy and eliminate the backlog?

Mr Sidhu: Okay. You first asked me whether all the bureaucracies are coming together. Should I answer that first?

Mr Curling: Whatever.

Mr Sidhu: In general, I believe that one should look at cost saving, anyway. If duplication can be reduced, we can save the money, and anyway, we should do that in principle. So whether that can be done by putting them together or separate, it will depend on how the situation evolves.

The other question you asked me is about—can you ask me again, the second one?

Mr Curling: Enforcement. The lack of enforcement is causing all this backlog.

Mr Sidhu: I don't know. I don't know what causes the backlog. But I believe I would say generally that inefficiency in the system must be causing that. That's all I would say.

The Chair: Mr Bradley, you have three and a half minutes.

Mr Bradley: Do you see a danger out there that employers, because a lot of the complaints relate to employee-employer relationships, will not hire people who they think will go to the Ontario Human Rights Commission if they get fired? In other words, most employers want to hire somebody whom they can fire, and so if you are hiring somebody and you know that if you fire them they might well go to the Ontario Human Rights Commission because they may have a legitimate complaint as to race, as to religion, as to disability or something of that nature, do you think that is a danger that the Ontario Human Rights Commission automatically takes the side of somebody who is fired on all these occasions, that it's going to discourage employers in fact from hiring people from those categories?

Mr Sidhu: I don't know if the commission automatically takes the side, but I'll make some mention about the scenario you have painted here. Today, everything is going globalization. If you read Time magazine, Fortune magazine, they will tell you that diversity pays, that good employers are training people, they're bringing in policies. For example, Xerox has a policy called "a matter of respect," where no jokes, no slurs, no sexual comments, no pictures, no pin-ups, all this. It's a matter of respect.

So I think, in the longer term, the good supplier, I think the worldwide supplier, will not do that. They will

look at the people's strengths and draw from there. There may be some suppliers who may fall into the trap of thinking that way, but I think we need to follow the right things. Sometimes you need to take a stand on the right side. So I don't see a danger or such a concern out of this one, in my own understanding.

Mr Bradley: Okay. The second question is this: There is an allegation—and maybe even someone from the commission, the chair or somebody, might have said this—that a person who has a complaint registered against her or him is assumed to be guilty until proven innocent under the Ontario Human Rights Commission. In other words, you're investigated and you have to prove that you didn't commit this sin that your accuser says you committed. Yet, if you go into a court of law, there's an automatic assumption of innocence until proven guilty. Do you believe that a person who has a complaint registered against him or her that's going before the Ontario Human Rights Commission should be assumed to be innocent until proven guilty, and that the onus should be on the person registering the complaint and the commission to in fact prove that that person is guilty?

Mr Sidhu: As I said, I'm not an expert on this issue. I don't know, but from a general sense, the person against whom the complaint is registered is usually a person in a power position who has ability to influence the other person or damage the other person one way or the other. So the party which is in power has to have this responsibility of making sure that it does not happen. Those are my general comments.

Mr Bradley: They may have that—

The Chair: I'm sorry, we're out of time.

Mr Bradley: Just when I was getting good.

The Chair: Well, I think you're always good, Mr Bradley.

I would like to thank you very much for appearing before the committee this afternoon, Mr Singh Sidhu.

Mr Sidhu: Thank you very much.

The Chair: Our next intended appointment this afternoon is Ms Janet Richardson. Ms Richardson is being appointed as a member to the Board of Parole for the western region. She's not here yet. All right. We are running a little early, as the committee observed. We will recess for 10 minutes.

Mr McLean: Five minutes.

The Chair: I'm not going to be in charge—

Mr Marchese: What if she's here earlier?

Clerk of the Committee (Ms Lynn Mellor): She's not due to be here until 3:30.

Mr Marchese: If she's here before 3:30 we can begin before 3:30.

The Chair: So it's probably wise not to disappear. Mr Marchese is going to assume the chair for the last appointment anyway, so he's now in charge.

Mr Bradley: We will miss you, Margaret.

The Acting Chair (Mr Rosario Marchese): This committee stands recessed.

The committee recessed from 1517 to 1526.

JANET RICHARDSON

Review of intended appointment, selected by official opposition party: Janet Richardson, intended appointee as member, Ontario Board of Parole, western region.

The Acting Chair: I'd like to call the meeting to order. We invite Ms Janet Richardson to come forward. Before we begin with questions from the committee members, Ms Richardson, is there something you might want to tell us?

Ms Janet Richardson: Sure. I have a brief statement.

The Acting Chair: Great. Please, go ahead.

Ms Richardson: First of all, thank you. I'm pleased to be here this afternoon. To serve as a public appointee to the Board of Parole is an interesting and challenging opportunity and one which I would be proud to accept.

I have spent much of my adult life advocating for and against issues that fall within the very broad categories of equality and justice. My work and volunteer commitments have provided me with an opportunity to observe and interact with a number of systems including health, education, legal, justice and social services.

Today we, or our global society, are moving through turbulent times. The public demands accountability of our structures and systems, which must be balanced with effectiveness and efficiency. The key is to find the balance.

Our criminal justice system is facing its own challenges as community interest groups and the public purse compete to create a system that preserves the integrity of our society. Our justice system and the solutions to today's pressures require innovative approaches and commitment from a wide range of participants. I believe my experience with the community, experience as an administrator and my recent completion of my MBA program provide me with the range of skills required to successfully serve as a part-time community member for the Board of Parole.

The Acting Chair: Thank you very much. We'll begin questions with Mr Bradley, 10 minutes.

Mr Bradley: The first question I have is, are you a friend or acquaintance of the Attorney General?

Ms Richardson: The Honourable Marion Boyd and I worked together in London. She served as the executive director of the Battered Women's Advocacy Centre and I served as the executive director of the women's shelter in London, so, as a result, we have worked closely over the years and I certainly think that she is a good woman.

Mr Bradley: Did Ms Boyd suggest that you apply for this position?

Ms Richardson: No, she did not. The advertisement was circulated through our London Coordinating Committee to End Women Abuse and I applied for the position. It was not until after I had been interviewed by the office that I contacted Marion Boyd to advise her of my interest in the position.

Mr Bradley: Do your interests in the judicial system, and the penal system, I suppose we have to say in this case, and the parole system extend beyond the defence of women who have been abused?

Ms Richardson: Fair question. I believe that's one of the primary reasons why I'm interested in this particular position. While I serve in the capacity of working in an area of women's issues, I also understand there's a niche to that and the world is bigger than that part. I think I'm interested right now in expanding my personal horizons a little bit in terms of how I view the world.

I'm also very aware of the pressure and the changes that are taking place in particular in our justice systems and I'm interested in exploring those options or solutions a little differently. So I understand your question and I think I'm broad-minded enough to look beyond the one niche of looking at the issue of woman abuse to the wide range of crimes that would take place and fall within provincial jurisdiction.

Mr Bradley: You would be aware, with your interest in justice in general, of the concern that a significant portion of the public has about those who are out on parole who then commit crimes. If I were to attempt to assess, without a scientific poll, the viewpoints of my own constituents and probably the majority of people in Ontario, I would say that most consider the parole system to be somehow out of control and that a large number of people are committing crimes, even though they are not.

How do you believe we can improve the parole system to ensure that people are not released who are then going to commit crimes, recognizing that there can be no perfection in that field? I understand that.

Ms Richardson: My understanding is that of the individuals who go out on parole, over 85% of them successfully complete their parole requirements. That tells me that maybe our parole system is not that much out of control, that it needs to be tweaked or moved a little differently in order to be as effective and efficient as it is.

I think it is absolutely essential that we balance the safe reintegration of offenders into society with the safety of the community, and I think the pre-sentencing reports that take place by parole and probation officers at the time of sentencing are key to looking at behaviours. I think there could be different kinds of links established with Community and Social Services or other ministries, for instance the crown attorney's office, to look at how we can coordinate individuals more effectively. The truth is, I don't have a lot of detail in that answer because I don't know enough about it.

Mr Bradley: Do you think we should build more jails so that we can house more people in jails?

Ms Richardson: I think we need to pay attention to the changes that are taking place in our society. There's no question that there is an increase in violence taking place; I don't think we can hide from that any more. It's very important to pay attention to why that's taking place, and that may mean, volume-wise, the need for more institutions.

I also need to explore much more fully how institutions serve the offender. I think there are a variety of crimes and a variety of methods that may be used to punish the offence, punish for the crime, without diminishing and taking away the integrity and self-respect of an individual, which I think sometimes happens.

Mr Bradley: There is a considerable amount of sympathy for the victims and the victims' families and so on in many cases these days, and that's certainly justified. We're also living in a world where there isn't much money out there. The deficit is high, the debt accumulation is somewhat alarming to many, and it would take the reallocation of funds from other areas.

How can we serve the needs of victims and their families and not simply the needs—and I'm not trying to be engaged in right-wing rhetoric; it's a genuine problem that victims have a lot of costs they incur. For instance, when a trial is transferred from one city to another, the cost is rather significant, and yet legal aid may well be paying the cost of the defence of the person who has allegedly committed the crime. Do you have any ideas in that field, how we might be able to improve?

Ms Richardson: As I indicated in my opening remarks, I think the key is to find the balance between effectiveness, efficiency and the needs of the public. I'll state quite openly that I am not a supporter of the victims' bill of rights, not because I don't believe that victims have rights—I think victims and their families absolutely do—but I think it is ineffective. It's not an efficient way to tackle the problem. We have a Constitution, we have a Human Rights Code, we have the Criminal Code of Canada, all of which protect each of us as individuals.

I think if there are problems within each of the systems that don't provide protection for victims, then that can be paid attention to, and I think that can be done very effectively and quite efficiently. The links between the crown attorney's office, for instance, and probation and parole could be tightened up to ensure that there is some contact being made at the time with the court, asking questions about, "Do you wish to be contacted at the time of parole?" for instance, so that there isn't that difficulty in the tracking.

Again, I don't know a lot about the systems. I do support what you're saying, though, in that I do believe there is a very effective and efficient way to look at using what we already have in this country. I think our Criminal Code and our Human Rights Code are very effective. We just need to believe in them and make them work all the way down throughout our systems.

Mr Bradley: How can we deal even more effectively—I'm drawing on your past experience now—with the problem of stalking? I know there's new legislation on the books which looks quite good and may be an improvement, yet the problem of stalking is still out there and we've seen some horrendous cases where the stalker seems to get away with it. How would you deal with the problem of stalking? How can we deal with that problem as a society?

Ms Richardson: I'll try to keep my remarks limited to the issue of parole.

Mr Bradley: I know it's difficult—

Ms Richardson: I could go on on that. However, I think when you look at stalkers and crimes against women—

Mr Bradley: —because some of them are on parole.

Ms Richardson: If we look at what we could do with those who are charged and convicted of stalking, they are stalking someone. I think there is a very clear indication of contacting the victim and ensuring that during the time of being in the institution, they are observing no contact, and I think they need to be very closely monitored upon release.

Again, I recognize the limitations in the public purse right now and in our ability to provide the kind of counselling and support and changes that we have to fundamentally drive down through our society to make the changes. I do think we need to have some tight monitoring about the stalking. I guess I seek a balance.

I guess I fundamentally believe in our correctional system. I believe in our Criminal Code. I believe that where somebody is charged and convicted and punished, they will have, hopefully, some chance of saying, "I've failed and I want to come back to society." I really fundamentally believe in that. I think that people fail, I think sometimes the system fails those people and I think there's opportunity to improve all the way along the line.

Mr McLean: I have three or four questions. The first one, I want to just clear up, you're the executive director now of a social agency in London?

Ms Richardson: That's correct.

Mr McLean: Are you the head of it?

Ms Richardson: The executive director, that's correct.

Mr McLean: What is that agency about?

Ms Richardson: It's called Women's Community House. It's the transition house for abused women and their children.

Mr McLean: You've gone from 10 employees to over 55?

Ms Richardson: That's correct.

Mr McLean: Is that the amount of employees who are working in that facility?

Ms Richardson: That's correct. I began my term as executive director in 1985. At that time there were 10 employees. We've expanded considerably over the past decade to a medium-sized social service agency. I think that speaks about certainly not only the current government but the past government's commitment to the issue of woman abuse and public education and awareness, the support of it with dollars. That's all led to the growth of this particular agency.

Mr McLean: Is it like a women's shelter?

Ms Richardson: Yes.

Mr McLean: How many residents would you have in there?

Ms Richardson: Fifty-five at any one time. There are two facilities.

Mr McLean: So this is residents, not employees?

Ms Richardson: It's both.

Mr McLean: It's gone from 10 staff to over 55?

Ms Richardson: That's right. There are 55 residents. The shelter runs 24 hours a day, seven days a week in two facilities, and we currently have about 55 employees.

The high volume of staff is related specifically to the cost of running a facility 24 hours a day, seven days a week.
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Mr McLean: Great. So it's working great. They're badly needed.

Do you think there's a need for more institutions in the province to house some of the criminals?

Ms Richardson: I'll repeat that I think we're really looking at an issue of seeing an increase in crime in our society, an increase in violent crimes and an increase in crime in general, and an increase in the basic population demographics. To me, that says there may very well be a need for more correctional facilities. I'd like to believe we can be innovative and creative about how we can improve on our institutions. I think the medium, low and high-security facilities are certainly a really innovative way to look at different ways of providing institutions for offenders.

Mr McLean: Most of the institutions in Ontario run about \$130, \$140 a day per resident. They had one in my riding, Hillsdale camp, which ran \$80 per resident and held 70 residents. They closed it down because they wanted to save \$1 million. They grew their own food, and it was recommended three months before that as a model site. What would you say to a situation like that? I mean, it's just difficult—

Ms Richardson: It is.

Mr McLean: —but I really feel bad because I think that's the way we should be going, promoting that type of thing.

Ms Richardson: It sounds like for some individuals that kind of facility is appropriate. Again, I think we're at a very difficult time in our global world and we have to look at how we can use the resources as wisely and as effectively as possible. I guess one of the reasons why I'm sitting here looking forward to this kind of public appointment is that this is a big issue and we have to have a broad range of participants working on the solutions in order to get them. I think the one you've suggested is clearly one of them.

Mr McLean: I guess what bothers me so much is the fact that I think rehabilitation doesn't happen behind bars. It happens out in the field, learning by doing, making people do something. I think those types of farms that we have are the way we should be going, and to see it closed down really bothered me.

The other question I have has to do with the low participation rate of victims in the parole process. There was a study done. I remember back where Sheila Henriksen, who was a board member—they didn't want it—said the victim being consulted would result in a drastic increase in the board's workload. However, they went ahead and they've done that. The low participation with regard to people asking to be on parole is somewhat—I would have thought there'd be a lot more. What's your observation on that? Why would there not be more parolees wanting to be heard?

Ms Richardson: I think it's a system issue. If we haven't created the loop in the system to include victims very early in the court process, it's hard to hook up with

them near the end of someone's stay in an institution or a rehabilitation environment. I spoke earlier about creating the links at the very beginning with the crown attorneys and the victim/witness assistance program as a way to track.

I don't believe we should rule out that victims don't want to be contacted. I think it's an issue of choice, and there needs to be ways created, I think probably at the time of trial, to engage with the victim when they're there in the process to allow for some follow-up. I think if we try harder and we see it as important and we create the loop, it can happen. I think that's certainly one of the reasons why the victims' bill of rights is given such a priority right now, because it's a way to ensure that.

Mr McLean: When a parolee is being evaluated to be released, what type of parolee would you think the community should know is being released? I think this is a tough one, but they talk about sex offenders and people who are in for sex assault. Some police are notifying the community and some are not. There should be, I guess, criteria laid down whereby they would know. What's your observation on that?

Ms Richardson: Yes, I would agree that the safety and wellbeing of the community is really important. I also see that having the community appointees is one way to develop criteria to test that community safety: Is somebody really going to be safely released?

The other part about the provincial system is that it's two years less a day, which means that in this particular environment we aren't seeing as many of the serious reoffences as we would in the federal system, and I think that's part of why I sit here looking at a provincial appointment.

I don't really have an honest answer for you about that, because I think it's important that the community is aware when there's a serious offender being released into the community and I think the public has the right to know how that happens to preserve the integrity of the individuals and the victims involved. I don't have a good solution to—

Mr McLean: Do you think you'll have a chance to chat with the minister in the next month after you get your appointment, or will that be something that will come later on?

Ms Richardson: I'll put that on the list.

Mr McLean: Anyhow, if you do, I just want you to talk about Camp Hillsdale. Reopen it.

Ms Richardson: It's interesting, I probably saw Marion Boyd a lot more during her time when she was working in London than I do now.

Mr McLean: I wish you well.

Ms Richardson: Thank you very much, sir.

Ms Harrington: Nice to meet you. It says in our material here that the board "provides in-person hearings for offenders who are serving sentences in excess of six months." Is it one person, a one-on-one interview, or how is that conducted? Do you know?

Ms Richardson: My understanding is that it's a panel made up of a full-time member of the board and two

community part-times, so that each parolee comes forward to a panel of three. Also, I believe that there are reports made available from the probation and parole officers who do assessments.

Ms Harrington: Which would be the pre-sentence report?

Ms Richardson: I think there's a pre-sentence report and a pre-parole report. The officers are involved in those two capacities that I know of.

Ms Harrington: Those two reports would be available to those three members of the panel.

Ms Richardson: Yes. My understanding is that there's a formal file of information available relating to the offence, the court proceedings, these two reports and any other relevant information that becomes available, and I'm afraid that's all I know, and that it's a three-panel hearing that takes place for individuals who are serving sentences longer than six months but less than two years.

Ms Harrington: So you would have access to reading this material before you actually interviewed the person one on one.

Ms Richardson: I understand that that's the way it is, that you go in for an eight- to 10-hour period in an institution and review the files prior to each respective parolee coming forward for review. They have an opportunity to speak, and I believe there's an opportunity for the members of the board to also question the parolee.

Ms Harrington: And you'd be one of the part-time community people.

Ms Richardson: Yes, that's correct.

Ms Harrington: I think we've already asked this, but all of us I guess as citizens want to know, how do we assess the danger to a victim of a parolee being on the streets? You've answered certainly that there has to be a balance in the system, and you've mentioned about pre-sentence reports. I'm just wondering if you have anything else to add, because I'm sure you come from a background where that would be something primary in your mind.

Ms Richardson: Yes, and that's true. I think when you look at the crimes committed against a person in particular, whether it be a wife assault case, a sexual assault, where there's injury etc, I think it's very important to ensure that the victims are contacted in fair and safe ways. Certainly in the particular area I work in that's been an area that I've advocated for, that if there is going to be victim contact made, it needs to be done in a way where the victims feel safe to disclose information that they may otherwise not do out of fear, out of trepidation of what will come next. I think it's an area that there has been considerable work done within the institutions, within probation and parole itself about looking at how we can better serve victims, and I think it requires a deeper response to ensure that we aren't missing people.

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Ms Harrington: I certainly wish you well. It's a daunting task, it seems to me, to be able to do that kind of judgement.

Ms Richardson: I understand there's good training involved about helping with those assessments also, so that will help.

Ms Carter: I guess we've already gone into the question of how you decide whether somebody should be paroled or not, and I guess that's the core of the problem that you'll be facing. It has been suggested that this could be done on a basis of statistics, just by looking at the number and types of offences that a person's committed and so on. Do you think that would be a good way to go, or do you think it's better to keep it as a sort of personal thing where each person is assessed separately?

Ms Richardson: I'm fearful of judging anybody by a statistic, because I think it has some limitations attached to it. I understand the cost-effectiveness that would be related to it. I believe that individuals who are incarcerated have the right to be heard and the right to be judged fairly. If we strip them of that right by saying, "You fit within this package," my sense of that would be that it would deter somebody reintegrating into society proudly, and I'd hate to take that away from an individual.

I also think we can separate out statistics and look differently from provincial to federal crimes. We certainly know that a repeat sex offender, for instance, who's offended over and over and over again may fit within a statistic, but we wouldn't see that in our provincial institutions, and I guess I'm saved from that thought as a result. But I hope we would always allow the right to be heard.

Ms Carter: If the statistics were against a person, they might say to themselves, "Well, why should I bother? Nobody's going to parole me anyway."

Ms Richardson: I also think there's value in having research at our disposal to make effective decisions about crimes and criminal behaviour. I think it is very important information to have.

Ms Carter: Of course, there is quite a strong wave of public opinion that victims are forgotten and criminals are somehow indulged. But I guess we have to keep a balance there that criminals have some human rights too and that you can't incarcerate somebody for their whole life just on the off chance that they might reoffend. What do you feel about that?

Ms Richardson: In our provincial institutions, if we know that the maximum sentence is two years, then it's not a very long time. We know that person will be going back out into society and into community. They have to have a sense that they can successfully make it and not reoffend, and I don't take away at all the need to include victims in that balance.

Ms Carter: We did have a case fairly recently in my own town of Peterborough where somebody whose home was Peterborough was being released. His picture was published in the local newspaper, I guess by the police, so that people would see this guy and know who he was and not employ him or not have anything to do with him, so that in effect he had to go and live somewhere else. But then it seems to me he'd be just as dangerous in the other place, and I wonder how much of that we can justify.

Ms Richardson: That is similar to a prior question, and I think we have to test a little bit what's the right thing to do. Publicly naming an offender may not be a bad solution if the offender has the kind of support he needs to survive, has a job to go to, has a home or an apartment or a place to live, has some kind of support involved through whatever system is available. To be left alone and removed from family, friends, work may cause more problems. Again, there is the balance of the public needing to know and the support needed for the individual who has been incarcerated. I think we can find the balance. Right now we're just learning how to test a bit.

The Acting Chair: One last question, Ms Carter.

Ms Carter: Certainly in my own community we now have a group of volunteers getting together to support victims of crimes. Actually, when something happens, they can stay with the person where the police can come and ask questions and do their thing and then go away again. Do you think that's a good way to go?

Ms Richardson: Oh, absolutely. I think victims need support. We're learning so much more about victims and victims' behaviour as they move through a continuum of processes of rage and denial and fear and terror to a point where they've survived it. Each step along the way does take a different kind of support, and I think it's helpful. The police know they get a better response if there's support available. The victim-witness program knows it gets better victims, on trial, if it's got support available, and perhaps along the way we could get better victims' statements if we had support during a parole period.

The Acting Chair: Thank you, Ms Richardson, for coming before this committee.

Ms Richardson: Thank you very much. It was a pleasure. We had fun.

The Acting Chair: I'd like to ask the members, do they want to vote on these appointments ad seriatim or do you want a motion to concur on all?

Mr Malkowski: I'd like to make a motion to defer the vote on the appointments till the end of tomorrow's hearings.

The Acting Chair: All the appointments?

Mr Malkowski: Yes.

The Acting Chair: All right. Do members want to discuss that, or do you just want to vote on that?

Mr McLean: I don't know why we want to vote on them today. We've got a bunch of them to vote on tomorrow. We have a subcommittee at noon tomorrow. It's up to you if you want to vote for them all tomorrow or not.

The Acting Chair: Discussion?

Ms Harrington: I would make a motion—I know you have one already on the floor—that we do approve the ones who came before us today.

The Acting Chair: I see. Well, then, let's just vote on that motion, and then we can move on to different kinds of motions.

All in favour of deferral of the vote on these members until tomorrow? Opposed? That motion is defeated.

Do you have another motion, then, Ms Harrington?

Ms Harrington: I put forward a motion that we approve the intended appointments that came before us today.

The Acting Chair: All in favour? Opposed? That carries.

Before everyone leaves, Mr McLean, can I just ask you, we had briefly chatted, you and I, about a person who was coming tomorrow. Shannon Gothard was expressing a problem with tomorrow; she was writing an exam. I discussed this with Mr McLean, and Mr McLean, for the record, do you—

Mr McLean: I will concur that she should write her exam, because she will be getting the appointment and it's not necessary to review her. Her priority should be to write the exam and not bother coming.

The Acting Chair: That's fine. Any objections with that, or discussion? Very well.

Ms Harrington: I'm sorry, I didn't catch that.

The Acting Chair: There is a woman who was coming tomorrow, Shannon Gothard, who is unable to come because she's writing an exam. Since it was the third party that made that request, we thought Mr McLean should be the person to make a comment on that, and he's saying that she's going to write her exam.

Ms Harrington: Okay. Good idea, Mr McLean.

The Acting Chair: All right, this committee is adjourned until 10 o'clock tomorrow morning.

The committee adjourned at 1559.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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- *Malkowski, Gary (York East/-Est ND)
- Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- *Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Substitutions present/ Membres remplaçants présents:

Fletcher, Derek (Guelph ND) for Mr Ferguson
Marchese, Rosario (Fort York ND) for Mr Waters
Rizzo, Tony (Oakwood ND) for Mr Frankford

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Official Report of Debates (Hansard)

Thursday 6 October 1994

Journal des débats (Hansard)

Jeudi 6 octobre 1994

Standing committee on
government agencies

Intended appointments

Chair: Margaret Marland
Clerk: Lynn Mellor

Comité permanent des
organismes gouvernementaux

Nominations prévues

Présidente : Margaret Marland
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Thursday 6 October 1994

Jeudi 6 octobre 1994

The committee met at 1003 in committee room 2.

INTENDED APPOINTMENTS

The Chair (Mrs Margaret Marland): Good morning. I'd like to call this meeting of the standing committee on government agencies to order.

MARION DEWAR

Review of intended appointment, selected by third party: Marion Dewar, intended appointee as member, Regional Police Planning Committee for Ottawa-Carleton.

The Chair: The first appointment for review this morning is that of Ms Marion Dewar. Welcome, Ms Dewar. Ms Dewar is being appointed as a member of the Regional Police Planning Committee for Ottawa-Carleton. Welcome to the committee this morning. This is a selection by the Progressive Conservative Party, so we will start with Mr McLean. Thank you.

Mr Allan K. McLean (Simcoe East): Welcome to the committee this morning.

Mr James J. Bradley (St Catharines): Would someone tell the Ottawa Sun it was a Progressive Conservative choice?

Mr McLean: Have they got it all right now?

Mr Bradley: They said it was one of the Liberal choices.

Mr McLean: I guess you can have all you want to say when your turn comes. I'll proceed at my speed now.

Ms Dewar, on the regional police force, the ratio of male to female, are they meeting their quota, do you believe? How many female officers are there?

Ms Marion Dewar: Oh, on the police force itself?

Mr McLean: Yes, how many female officers are there?

Ms Dewar: On the Ottawa force?

Mr McLean: Yes.

Ms Dewar: I don't know how many are there now, but no, they're certainly not meeting it. I don't think they have a quota, but I think that they certainly have affirmative action, that they're attempting to hire more women. But they've got a couple of female senior officers now who are doing a very good job as far as a presence in the community is concerned, speaking on policing issues in the community and so forth.

Mr McLean: The other question I have is that Gloucester and Nepean have their own police forces. Is there any move on foot to have them amalgamated, have an overall regional force?

Ms Dewar: I think the idea of having a regional force

is very much—yes, that's certainly what's in store and what's in the plan. As of January 1, 1995, I understand the police services board will be a board that will be overseeing all of the forces and by 1997 my understanding is that it will be an amalgamated regional force.

Mr McLean: You're quite happy that that's going to be promoted, I am sure.

Ms Dewar: A long time ago I thought it was a good idea.

Mr McLean: It seems to be happening across the province. The OPP is looking into amalgamating with some of the local towns.

Ms Dewar: Oh, yes.

Mr McLean: Alliston, for one, used to have its own force and it's now all part of New Tecumseth. There's an investigation going into the city of Orillia about the OPP and the town of Penetanguishene. There is a lot of it going on right across the province to try and streamline the system.

Ms Dewar: But it also, I think, creates efficiencies, because if you look at, for instance, investigations, we were constantly running up against municipal borders when we were looking at that kind of thing in the days when I was on the commission before.

Mr McLean: Do you feel that there are probably too many officers doing administration work and not being out in the field?

Ms Dewar: Yes, I think we have to look hard at that. I think the planning committee has to set out what its own goals are and what it wants to do, and then there probably has to be a flattening of some of the services. I have been reading some of the preliminary work that was done in Edmonton when they went into community-based policing. They did a lot of intensive study and looking at how the structure of the policing was and also went into a lot of the research that was done in policing across North America in the 1980s. Certainly the recommendations of all those reports were to flatten out the forces so that you have more people contact with police officers.

Mr McLean: Do you think that there should be an amalgamation of police forces and the OPP involved in more? I see that the villages of Kanata and Rockcliffe pay the OPP for policing. What about West Carleton, Rideau, Osgoode, Cumberland?

Ms Dewar: I don't think they pay yet, do they, West Carleton and Osgoode?

Mr McLean: West Carleton and Osgoode don't, but Kanata and Rockcliffe—

Ms Dewar: Kanata does; they've got a contract. I think what we certainly would have to do in a police services board—I mean, the group at the moment is a planning board, but as a police services board I would see the need to talk to the communities and see what the communities want. It seems to me that you could come to an easy result. When I was on the Ottawa Police Commission in 1985, what we did was an amalgamation with the Vanier Police Force. We spent a fair amount of time in the community and worked out a contract with them. I don't see that as a great obstacle as we work through.

Mr McLean: I have an interesting question for you: Bill 143. A lot of people in Ottawa-Carleton didn't support that bill, but there were a lot who did. I understand that you did and I'm wondering why, the reasons.

Ms Dewar: There was a survey done in the last 10 days and it showed that the majority of the people in all of the region supported it. As a matter of fact, what came out as a result of that survey was that there were over 60% who wanted even more amalgamation of the municipalities. Interestingly enough, a tremendous challenge I think to policing is that everyone felt that they were going to get better policing and it was going to cost less.

1010

Mr McLean: "Dissenting Police Forces Accept Change," so there was a lot of dissentment within. I know in the city of Orillia right now the members of that city police force are very upset because there's a study being done to determine whether it's more feasible to have the OPP or not. Is that what happened in Ottawa-Carleton, the local forces rejected it?

Ms Dewar: I'm certainly not in close contact with the local forces, one to one, on the officer-based patrol, but just from the word that I get on the street, and I'm fairly well in touch with the communities, I would suggest that there's going to be concern and fear between the different forces. I think there's a real challenge for both the police services board and the new police chief to assure the officers of the various police forces that they are going to be treated with respect and equally and that their skills are going to be recognized.

Mr McLean: "Regional Force Could Double Policing Costs." Is that actually going to happen in Kanata?

Ms Dewar: What's that?

Mr McLean: It says: "Kanata Faces 'Unfair' Tax Hikes. Regional Force Could Double Policing Costs."

Ms Dewar: I don't think that has to happen. The way the region was set out in 1972, there was an equalization of payment of taxes, and that was done based on the commercial base as well as the ability to pay of the municipalities. I'd like to see that kind of thing continue.

Mr McLean: Thank you. I wish you well in your new appointment.

Ms Dewar: Thank you very much.

Mr McLean: Is there time? How much have we got left?

The Chair: Two and a half minutes.

Mr McLean: I have other questions. I want to go back to the OPP and the local forces to try and find out

your opinion. Do you think that we should be having the OPP study whether there should be a takeover of the local force or do you think the OPP would be better to stay out of it?

Ms Dewar: That's a big question because I don't know enough about the structure and so forth of the OPP. But I do know, and I feel rather strongly, about communities being able to have a say in what the administration and what the delivery of policing is in their own communities. I think what you're referring to is a provincial force that would police the whole province.

Mr McLean: That's what it seems to be going towards in a lot of communities.

Ms Dewar: I think that would be very difficult to do within a community like Ottawa-Carleton, because I think they have a fairly strong identification with their policing.

Mr McLean: You're being appointed as a part-time member. How much time do you anticipate you will have to spend in that position as a part-time member?

Ms Dewar: I think there will be a lot of time spent, certainly in the next year, because I see the planning process taking a lot of time. I think it's really important that the police services board engage itself in the communities as they're going toward this amalgamation we were speaking of earlier and I think it's really important that the communities are sensitized to the fact that the police services board is sensitive. At the same time, you have to look at what the expenditures are, what your budget is, and I think I have a fairly good track record of being able to not spend more than what we take in.

Mr McLean: The last question I'd like to ask you is, the lower-tier municipalities—West Carleton, Goulbourn, Rideau, Osgoode and Cumberland—are all being looked at for OPP services. Do you believe that is the right way to go, to have the OPP take over those services?

Ms Dewar: I would like them to look at what we're doing in Ottawa-Carleton when the regional force is in place and then compare that with what kind of services they get from the OPP. Then I'd like the community to make some decisions on that. I have a feeling that if the police services board does a good job, the people in the other municipalities in the region will feel comfortable with that kind of policing.

Ms Jenny Carter (Peterborough): Welcome, Marion, to this committee. I think we all know that you have a pretty distinguished background from being mayor of Ottawa and so on, so how does your background prepare you for the work that the committee, and later the board, must do? Could you fill us in on that?

Ms Dewar: One of the things I thought about before I put my application in for the police services board was how would I do it and, Mr McLean's question as well, would I have the time? I'm at that point in the time of my life where I'm not fully employed and I would have the time. I know the community well. I know the region well as well as the city of Ottawa. I have been very interested in crime prevention. As a matter of fact, when I was with the Canadian Council on Children and Youth we did a publication and also did some work on crime prevention.

I've also had a close association with the police, and not just with the police executive but also with police officers, because when it wasn't sort of the in thing to do, we were working on community-based policing back in the late 1970s and the early 1980s. It wasn't always easy to be able to put forward some of those things. I think now, as this is becoming almost the *modus operandi*, I would like to be very much a part of making decisions and doing some of those structures that I think are possible to do that we couldn't do 20 years ago.

Ms Carter: You mention community policing, and I think there is a very desirable trend these days to integrating the police with the community they serve. How do you think the community could be involved with the decisions that the planning committee/board will have to take?

Ms Dewar: That's a very important and a very serious question, because I think that we must make sure we're not just doing it cosmetically. Some of the experience I have read about that they've done in Edmonton was that—there's community-based policing going on all across the province right now, but I'm not sure that we've set up the systemic structures to make sure that it's done in a well-planned, organized way. What they did in Edmonton, and I like the description, is they said, "Community-based policing isn't how police are going to police the communities, but it's how they're going to police with the communities." They have included a lot of volunteers in all of their community bases and actually looking at and doing problem-solving with some of the arrests that they're making and so forth within the community. They've not only reduced crime, but they've also brought people in who didn't know that they could be of use to their community, and they're doing it.

We would certainly look at—and I say "we" in a collective manner because I know some of the people on the police services board. I know the regional chairman and I know Councillor Holmes—I don't know Councillor Pratt—and I just know that they would want to go into the communities, listen to the people and also involve the people in the delivery of the service.

Ms Carter: Do you think that regionalization will strengthen community policing?

Ms Dewar: There's no question in my mind that it will. When all the other services are regionalized at an administrative level, and I'm thinking of the health unit and I'm thinking of the welfare services and those kinds of things, what you're doing is you've got another unit that is a core administratively, but you've also got the decentralized offices that hopefully will all work together.

Ms Carter: Will the rural areas have their needs met, and how?

Ms Dewar: I think what we will be looking at, and certainly not immediately, is allowing the rural areas to do some comparisons of the kind of policing that they're getting now and the kind of policing they would want to see if we could meet their needs. That can only happen if you go out into those communities, hear what those communities want and let those communities see how you're delivering services, not just tell them but let them see, and then decide.

Ms Carter: I don't know whether you'd call this a hypothetical question, but have you ever been in a committee or whatever that's been opposed by other people, and what do you do when you find that you're arguing for something that other people don't agree with?

Ms Dewar: The story of my life. I guess one of the things I feel very strongly about is that you don't do any problem-solving by confrontation. I think it's really important just to try to understand why other people are coming from a different point of view. I think it's also equally important to respect other people's views. As you do that and as you have that discussion, I think usually you can come to some consensus. I have found over the years that it's amazing; we're a lot more like-minded than we pretend at times.

1020

Ms Carter: So there aren't the bad guys and the good guys out there.

Ms Dewar: I don't think so. I think there are communities out there and you have to figure out how to bring them together.

Ms Carter: Thank you very much.

The Chair: Any other government members? There are four and a half minutes left. You're all perfectly happy? Okay. Then we will go to the official opposition. Mr Bradley.

Mr Bradley: My first question relates to your appearance before this committee. There has been some discussion in the Ottawa media that this is an imposition for you to appear before the government agencies committee to have your appointment reviewed. Do you object to being called before the government agencies committee to have your appointment reviewed?

Ms Dewar: Not at all. I've been asked that very thing by many of the Ottawa media. As I've said, I think the process is very good and is something that should be transparent, that if there's anything I have to hide, you certainly should raise it.

I guess I was kind of puzzled and concerned when, as I read in the paper, people were asked why I was asked to appear and it was because I was a New Democrat. I guess I was puzzled by that because I never figured for a moment that it's a shame or against the law to belong to a political party in Ontario any more than if you wanted to request what my religion is or what my sexual orientation is. I think those are things that I don't apologize for; but to come down to talk about policing, I'm delighted.

Mr Bradley: The parties have individuals who appear before the committee, and when the Conservative Party chose to have you appear before this committee, I saw in the newspapers as well some concern that somehow this would be a delay of an appointment, that the committee should not be asking people to appear if it was going to delay an appointment. Yet person of your stature, for instance, who has served as the mayor of the city of Ottawa, who has been the president of the New Democratic Party of Canada, who served, in other words, in several very prominent positions, I think you'd understand members of the committee are very interested in

your views on policing. You would be considered to be a star candidate for the police services board in Ottawa. So I'm glad to hear that you don't object to coming before the committee.

Ms Dewar: I don't object to coming before the committee to discuss policing. I would object if the only reason I was here was as a member in a political party. That's, I think, what I want to be clear about.

Mr Bradley: I see. Let's look at some of the issues that you will have to deal with. When police forces are hiring officers, do you believe that the officers they hire should be able to break up the battle in the toughest tavern in Ottawa-Carleton?

Ms Dewar: Yes, I think they should be able to.

Mr Bradley: All of them should be able to do so?

Ms Dewar: And I think they can, yes.

Mr Bradley: Because with the hiring policies that are now being developed, encouraged by the provincial government, there are some on police forces who have said that some people who are going to be hired may not be assigned to those tasks—I'm talking about officers now; I'm not talking about administrative people—and that it's unfair not to hire people who can handle every one of those tasks. That's, of course, police associations who say that. Do you have any comment on those contentions?

Ms Dewar: I certainly have because of my previous experience as a police commissioner. We had a female officer who became pregnant while she was doing her police duties, and for some reason her immediate supervisor decided that a police officer couldn't do her ordinary police work because she was pregnant and sent her home. I asked for a special meeting of the commission and I also asked her to be there, with the police chief and with the deputy chiefs and so forth, and discussed her medical condition, whether she was able to do it. There was an unqualified agreement, finally, after much discussion. I must say the police association didn't think that she could do her duty, and she went ahead with her regular police duties and had her new baby and she's been promoted in the ranks since.

I just think that if we are talking about employment equity being something that is hiring people who are incompetent, that is not true. I have worked in affirmative action for years. I have had people come before me, who were male and female, whom I would not hire and I've had people come before me, who were male and female, whom I was delighted to hire. So to suggest that people aren't competent because of their gender touches a nerve with me.

Mr Bradley: Should the police services board in Ottawa-Carleton have a majority of members appointed by the local community rather than by the province? My friends in the New Democratic Party will correct me if I am wrong, but I believe it was the policy of the New Democratic Party and now the government to have the majority on police commissions, as I think virtually every party says when it's in opposition, from the local area, appointed by the local councils because the overwhelming amount of money that comes in comes from the local

council and there seems to be little control. Do you have any views on that?

Ms Dewar: Yes, I have a long-standing view on that. I feel very strongly that the majority of the people on the police commission should come from the local municipality.

Mr Bradley: Good luck. I think every party is for that in opposition.

Ms Dewar: Well, it's something that I've made many public statements about in the past and probably will continue to for the same reason, as the resources come from the community. I understand the fine line between the enforcement of justice and the—

Mr Bradley: Sure.

Ms Dewar: But I still think that the local community needs to have—hopefully, with the police services board, if I am appointed to it, I will work closely with the regional council. You know, it's not an "us and them." It's us together and I think we have to really build that.

Mr Bradley: Another question I have is—perhaps you haven't had a chance to do so and you will along the way—have you and the others who are proposed to be on the board had a chance to look at the experience of other regional municipalities creating a region-wide police force and the ramifications for the costs? In other words, if the OPP is assuming some of the costs, as you'd be very familiar with in your area and in some of the very small communities, those are costs which seem to be less of an impact on a local community than a regional police force.

This debate has gone on with every one of the police forces. When you have a regional police force, then you must have a hierarchy set up that reflects the number of police officers and then there will be people saying, "Well, you must have a station in this area and this area." Have you looked at the other experiences to see whether it's more expensive or less expensive setting up a regional police force?

Ms Dewar: I've looked at them. I've gone through the studies because, as you know, we've been studying this in Ottawa-Carleton since 1975. I have challenged the idea that it's going to cost more. I think people have to be aware of the fact that municipalities that are being policed by the OPP are—actually, we're all paying for it. It's not a case of getting it for nothing, but it means that the province is paying for it instead of the local community. But I think the issue becomes what kind of policing people want, what kind of policing the community is able to deliver, and to allow those two factions to come together to discuss it and come to some agreement, and I think that can happen.

Certainly, when we went through the whole contracting, I guess is really was what it was, it was a quasi-amalgamation of the Vanier force with the Ottawa force. That didn't happen just overnight. We spent many months looking at talking to the officers, talking to the local councillors, talking to the local communities and it was a very smooth transition.

Mr Bradley: Do the police need better guns and better bullets, as many police forces have indicated? Many individual officers say that their job could be done

in a better fashion if they had better bullets and better guns. The province has already acquiesced to better guns. In one situation, some officers say it's still not good enough, that they need better guns than that. Do you think there is a need for better guns and better bullets for the police officers?

Ms Dewar: I would hope that we're not ever judging and evaluating our efficiencies of policing by what kinds of guns they have and how often they shoot them. I think that most police officers I know who are both on the beat and in the offices, their policy would be that they would hope they would have to use our guns as minimally as possible. But I think when they do have those guns, it's important that they be efficient and capable, and I understand the guns that have been approved now save them from reloading. Certainly, most of the police officers, not the ones who hit the headlines, I've known and I've dealt with, because a police officer has to report to the commission any time a gun is drawn. So at any time that has happened, I have known that it was usually with great reluctance and as a last-minute self-defence. I don't like to just reinforce the idea that the police are out there and they have to be pulling their guns every other day. It's very minimal when they use their guns.

1030

The Chair: I'd like to thank you, Ms Dewar, for your appearance before the committee this morning.

Ms Dewar: Thank you very much. I understood I was going to be able to make an opening statement before I came and I didn't get the chance. I'd just like to say that I did look in the community and I have three references for you. One of them is Senator Michael Pitfield, one is Councillor Mary Hegan, who was a police commissioner and is now on council, and the other is Mr Sam Hughes, who is a past president of the Canadian Chamber of Commerce.

I asked for those references and I leave those names with you because none of them are of the political party I belong to, but I can find some from that political party if you wish me to. In the meantime, I wanted you to know that I work with all people.

Mr Bradley: Well, they're all there.

Ms Dewar: There's more than that.

Mr Alvin Curling (Scarborough North): I hope you'll find us some training money from the government. All the training funds for the police were cut back and they are expected to do their job.

GARY FOREST BURROUGHS

Review of intended appointment, selected by official opposition party: Gary Forest Burroughs, intended appointee as member and chair, Niagara Parks Commission.

The Chair: Good morning, Mr Burroughs, and welcome to the committee. This is a selection by the official opposition party. Who would like to start? Mr Bradley. Thank you.

Mr Bradley: Welcome to the committee.

Mr Gary Forest Burroughs: Thank you.

Mr Bradley: First of all, I'll ask you the same

question: Do you object to being asked to appear before this committee to have your appointment reviewed?

Mr Burroughs: No. It's a pleasure, actually.

Mr Bradley: Okay. Thank you. I'm glad to hear yet another person doesn't object to it.

You have been designated by the government for the position of the chair of the commission. I think a lot of people in Ontario probably don't know the significance of the commission, the kind of money that you deal with, for instance, and what the parameters of your responsibilities would be. I'm going to go a bit beyond what they are now and try to pick your brain as to what you think might happen in the future. I understand you're not the chair yet and these may be difficult questions.

There are other parts of the Niagara Peninsula that are crying out for, perhaps, or would benefit from being brought under the jurisdiction of the Niagara Parks Commission. They're talking about Welland Canal lands, for instance; they're talking about other lands of a conservation nature in the Niagara region. Do you see the Niagara Parks Commission looking beyond its present geographic boundaries to yet other areas where it might have some jurisdiction and control?

Mr Burroughs: Certainly as you relate to the Welland Canal and the NPC's super experience with the bicycle path, I think, on a consultative basis or at least really applauding them if somebody went with it. I don't think it's our position to expand beyond the boundaries of Lake Erie to Lake Ontario along the river. However, currently our policy is not to do that, as I understand it. We have the expertise. Right now I'm a total outsider, and having lived there for 30 years, I'm very impressed with how the parks commission has been operated. So there's no doubt in my mind that if it was required, we would do it and do a good job.

Mr Bradley: If you are as successful at promoting the Niagara parks as you are the Oban Inn, then the commission will be in good hands. I've never seen an individual who was able to get more publicity over a fire and a rebuilding on all the major networks and all the newspapers and so on. That's just a little side compliment to you for your ability to do that.

That leads me to another question, however, and you could see this as a person from the private sector: Do you believe that the Niagara Parks Commission in fact competes with the private sector and has an unfair advantage in competition with the private sector?

Mr Burroughs: I'm glad you've asked me that question, because several years ago I might have had a different answer than I do now. First of all, the answer is that they certainly do compete. I don't believe they compete at an unfair advantage. What happens is that they are very sensitive to not gaining new business by undercutting, and they could undercut as far as not having land costs and those sorts of things and having a very large, successful base. But what they do is they compete on a quality basis.

What that has done certainly down in my end, in the Niagara-on-the-Lake end, where I know the experience, they compete in a positive way by doing good quality,

good service and it establishes a very positive network. So I'm not worried that we, the Niagara Parks Commission, compete unfairly. I think we do compete, but it sets a standard that I think we in private industry can all benefit from.

Mr Bradley: There is a problem existing sometimes dealing with American tourists coming into Canada, particularly in border areas, but it certainly can happen in other areas as well, and that is with the exchange rate which is paid to Americans. Advertising goes out to the United States which indicates that there's a very favourable exchange rate. I think most Americans would expect 35 cents on the dollar at least, and perhaps if they go to the bank—it depends on whether you're giving money to the bank or getting it back. The bank makes money every time anyway. One can be sure of that. But that is a problem where there's a large number of American tourists.

Do you believe it should be the policy and is it the policy of the Niagara Parks Commission to give American tourists a fair and accurate amount of exchange on the American dollar?

Mr Burroughs: In fact, it is the policy of the commission to do that and it again is a leader in the community of being so fair that it is almost exactly on the rate at all times. I find, again in the history of tourism over the last 15 years, 15 years ago many businesses, including many in Niagara-on-the-Lake and many in Niagara Falls, used to believe that the exchange rate was merely a bonus from having Americans over here and it was not treated as a fair basis of paying them back, nothing to do with your business; it's straight exchange. That has changed throughout the community and again the parks commission is a leader in that and keeps the rate high among the private sector so that it can compete.

Mr Bradley: Niagara Falls is a gateway to Ontario, since it's on the American border and there are several bridges along the Niagara River, but Niagara Falls has certainly prominent bridges that have been crossed many times. Yet, there are other attractions in the Niagara region, and beyond the Niagara region, that tourists should see. Do you believe the Niagara Parks Commission has a role in informing in a very positive and—I hate the word, but I think somebody made it up—pro-active way of the other tourist sites that potential tourists might want to see within the Niagara region?

Mr Burroughs: Yes, I certainly do believe they have that responsibility. I hate referring to changes over the past 10 or 15 years, but that again is a major change in the philosophy of tourism in the Niagara region, where we as operators—and this is private operators—used to believe that every dollar that a tourist brought in we wanted, and now we all believe that if the tourist has a good experience, is able to stay an extra day or two, we will all benefit and the tourist will go away having had a better experience.

1040

Mr Bradley: The Niagara Parks Commission is a multimillion-dollar operation. Do you believe that appointees to the Niagara Parks Commission should be individuals who know how to run a business or at least

are familiar with the operation of a business? Since taxpayers' dollars are involved and it's a very important operation, do you believe that appointments to the commission should reflect the business knowledge of people to be appointed to the commission?

Mr Burroughs: I think that helps. I would hate to see—I am a chartered accountant and I would hate to see a commission made up of chartered accountants. I don't believe that—

Mr Bradley: They have a reputation for being exciting people.

Mr Burroughs: I've heard that. Basically, I think that does help. Referring to taxpayers' dollars, while the commission has never actually borrowed or been in a deficit position, we are a major fund-raiser in the sense of earning taxes. We do pay a certain amount to the municipalities in cash in lieu as opposed to taxes, and so we are a major contributor. I think in any organization it's useful to have people that do understand numbers, as long as they're not an overwhelming majority.

Mr Bradley: Do you believe that the Niagara Parks Commission should come under the auspices of the Environmental Assessment Act, since I believe there has been one activity undertaken in the wall of the river, an activity took place there, some construction activity, that was not subject to the Environmental Assessment Act. Do you believe that you should be subject to the Environmental Assessment Act?

Mr Burroughs: Unfortunately, I'm not in a position to know that. I was unaware—I think you're referring to the elevator in that area—that that was not subject to the environmental act.

Mr Bradley: That's all. Thank you.

Mr McLean: Welcome to the meeting this morning. Did I hear you say that the Niagara Parks Commission has no debt?

Mr Burroughs: Has no debt that's government money, and currently no debt. At the end of the financial statement last year, they will have short-term borrowings, but if you look on the asset side, they also have short-term assets, temporary investments. I believe it's more of a timing issue than anything else.

Mr McLean: Well, you have loan interest of \$638,547.

Mr Burroughs: Right.

Mr McLean: And what would that be from?

Mr Burroughs: Again, in the private sector also, you heavily get into seasonal work here, and the parks commission is no exception to that rule, although with things like the butterfly house and many of the projects that they are contemplating, they are trying to lead Niagara Falls and the Niagara region into a more year-round operation, but there is no doubt that, being seasonal, we all borrow in the off-season.

Mr McLean: The staff has been cut, and do you see how you can progress and streamline it to be more cost-efficient?

Mr Burroughs: Well, again, I'm a little new. I have been on tour. I have looked at financial statements. I

think they run a very good operation. Basically, in the tourism business as I know it, you really don't want to cut staff because the first thing you're doing is cutting service. You can be more efficient—that's terrific—but I don't think the first place to look is cutting staff.

I have reviewed over the last couple of years only, and very briefly, the fact that they are seasonal and they have dropped, I believe, 25 or 30 from the late 1980s to now of their permanent staff. They hire another 1,200 or 1,400 in the summer, and they continue to do that as needed, but as their projects change, that labour variation is a tough one to analyse.

Mr McLean: Your warehouse, have you expanded it or has it stayed much the same over the years, the warehouse that supplies all your service?

Mr Burroughs: Again, excuse me, but on my tour, which was only a few weeks ago, it is a new facility. It's a wonderful-looking facility, and I believe in my questioning of staff that it simply centralized a lot of operations that needed help, and so it is now a central operation set back from the parkway itself but on NPC property.

Mr McLean: You said that you were on tour. Are you not familiar with the operation of this park?

Mr Burroughs: I certainly had never been to the works department. I'm very familiar with the operation as far as being an outsider living in the area for 30 years, but I had never been to where they overhaul the buses. I had not seen that.

Mr McLean: Have you been across the border—the building up—I'm not sure which one that we were in. We had looked at this way back, about eight or 10 years ago, the Niagara Parks Commission, and travelled it and were down there to visit.

Mr Burroughs: I'm sorry, I'm not sure which building you're referring to.

Mr McLean: It's right now in the waterfront, right near where the bridge is, where they come over top.

Mr Burroughs: I've been in all the buildings in Niagara Falls, if that's what you're referring to.

Mr McLean: Yes. Right.

Mr Burroughs: It was only service buildings that I had not seen before.

Mr McLean: My colleague has a question for you, but I want one last one. "Opportunities for people in the fields of horticulture, geological, natural history, and the history of the Niagara frontier." What do they mean by that? I've been there where I've seen the ladies and the men who are working in the flowerbeds and the horticultural. It's major along that waterfront.

Mr Burroughs: Absolutely.

Mr McLean: Is that going to be expanded?

Mr Burroughs: Expanded? I think we are responsible to maintain what we're doing. I think as properties come up, it's also our mandate, if they fit the area, to try and acquire them and continue on a long-term goal of presenting one of the best waterways, I think, in probably the world, and it's happened piece by piece.

Mrs Elizabeth Witmer (Waterloo North): Welcome,

Mr Burroughs. It's nice to have you here. I've had an opportunity to dine in your inn on several occasions. My question for you is, obviously, many of the people employed would be students.

Mr Burroughs: Yes.

Mrs Witmer: And we see now that we have another increase in the minimum wage of 15 cents. What impact will that have on the hiring of students?

Mr Burroughs: I believe that it will have a major impact, but not within the Niagara Parks Commission. They are able, because of their size, to be a real leader again in so many ways, and I've talked about service and I've talked about quality and staffing. I think that's another area where they can absorb that. It is a big expense. It's an operation where a great deal of income is earned by the service staff by way of gratuity. Over the years, this has certainly had an effect.

However, it hasn't been as negative as I thought it was going to be, having been in business for quite a number of years, and it's maintained good staff. What it has done is it's got away from hiring young kids—bus kids—and gone more to young waitresses and waiters, because basically the rate is almost the same, so that seems to be the direction. But as far as the parks commission is concerned, they're a leader anyway and they are also using a good mix of seniors as well as students. So within the service staff, there's a very good mix of older people looking for part-time work and students.

Mrs Witmer: I guess what you're saying is similar to what I've heard, that there are some younger students who seem to have fewer job opportunities because of the increase in the minimum wage.

Mr Burroughs: I believe within the service staff. Now, I myself have just hired some young kids, but out in maintenance where they're in a normal situation, we all need staff and we're still hiring on a fairly regular basis, but not in the gratuity-based operations.

Mrs Witmer: Thank you very much. I wish you well. It's a beautiful park.

Ms Margaret H. Harrington (Niagara Falls): Thank you for coming, Mr Burroughs. I just want to make sure my colleagues know that I'm very lucky. Every day that I am at home, when I drive from my home in Chippewa to my office on Queen Street, I go right through the parks commission and I investigate everything that's going on as I drive through and it's wonderful.

The Chair: Nice way to start the day.

Ms Harrington: Yes, it certainly is. This committee will be going to the St Lawrence Parks Commission, I believe, in another week from now, and it's too bad you couldn't come to the St Lawrence Parks Commission as well to see how they operate and maybe compare operations.

Mr Bradley brought up some very good points about being a leader, that the Niagara Parks Commission is a very important part of our tourism industry in the city of Niagara Falls with regard to such things as the exchange rate.

I believe part of your role is to set the tone. You brought up the interesting aspect of the relationship with

the private sector, and obviously you have a very interesting background and point of view on that. I know last weekend, when I was trying to get a booking for a special occasion, I had the choice of calling the Queens-ton Heights Restaurant or the Oban Inn, so those are the kinds of choices that are made all the time.

1050

The first question I want to ask you is, what is your vision for the Niagara Parks Commission, say, 10 years from now? How would you like to see it changed?

Mr Burroughs: As far as change, right now I'd like it to stay the same, at least until I know what I'm doing. But what I see down the road in its leadership role is, as they have done with Christmas tree lights and all that kind of thing, try to develop the off-season, do many of the things that they are still doing as far as leadership in the quality and service and fairness areas, but try to develop the season so that all the communities can carry a little bit longer.

In Niagara-on-the-Lake, we're particularly fortunate because of the Shaw Festival carrying on well into the fall. The bicycle path that I think was visionary by the parks commission when it did it, every day there will be five or six cars in my parking lot way down in Niagara-on-the-Lake with bicycle racks on the back, and they are strictly there to use the bicycle path.

So that's the leadership that I hope they will continue well down the road, but I think they can participate in many areas, in things like the Gateway. I think the expertise among the—

Ms Harrington: Do you see any major changes in the lands—Mr Bradley was mentioning the Welland Canal system—or in buildings?

Mr Burroughs: I think we are trying to keep primarily a wonderful, open space. I think there are some buildings that are going to need to be looked at, and certainly that is a potential. I don't see a big development of property as far as building on it. I don't see that, but again, I think the whole commission needs to look at policy, and as long as we are fulfilling our requirements, then that's what we should be doing.

Ms Harrington: Have you any view on how labour relations could be improved within the parks?

Mr Burroughs: Yes, I believe labour relations can always be improved. I think the commission has consciously made up a very good mix of individuals, although I haven't met many of them at this point. I believe that is certainly one of the major steps. Communication usually is a major cause of breakdown, certainly in the kinds of businesses that the parks commission handles.

I think, again, from my very early look at it, they are trying to be as fair as possible. There are restraints and they are trying to run it as a successful business and they are doing that. I do understand there are some labour issues before us. However, I don't have any answers because I don't really understand the situation.

Ms Harrington: I hope you will look into that.

Mr Burroughs: I've already been instructed on it and certainly I know it's an ongoing issue.

Ms Harrington: I know in the commission there are, say, 15 people or so. Each of the mayors of the three cities is represented, and then beyond that, how should the representation take place? What sectors?

Mr Burroughs: There are 12 on the commission. I believe that currently each municipality has the mayor, although Niagara Falls still appoints the mayor. After this next election, that position also will be an automatic—the mayor is the representative. That is very good, because, really, they are in the know in each community and they should be there and it is a major part. We are in each municipality, and planning issues often play a major role. I think that's very healthy.

But I also believe that the appointments that have been made, and I see photographs of everybody in the book here, have been very useful because they are trying to pick up segments that would have an impact. As long as these people, when they are appointed, are committed to the success of the commission and not to the success of their individual group, which is still true of municipalities, then I think it's a very good way of doing business.

Ms Harrington: I also want to mention what we call the RAP committee, which is the remedial action plan for the Niagara River. I met with those folks just this past Friday and their job is to improve the condition of the Niagara River. The parks commission also has a mandate to be a steward of the river. We can't worry about, I suppose, what's on the US side, which is really tragic, but I would encourage the parks commission to be involved or at least have a representative on the RAP committee and look at that angle of your stewardship.

Mr Burroughs: I've been heavily involved in a group called the Friends of Fort George, which is about to get a major EPA grant. We are studying sewage through treatment by bulrushes and we are the only one in North America that is doing it successfully in the winter. We're doing that in Niagara-on-the-Lake, and certainly the region has played a major role in helpfully doing our testing for us. The province has been outstanding in supporting our testing. I think there's a lot of talent within the Niagara region to deal with that. So while I do know that organization is under way, I also believe there are solutions.

The Chair: Dr Frankford has a question. I'm just advising you of that.

Ms Harrington: Okay. I just want to mention one further thing to you. I'm sure you're aware of the new group called Niagara Tourism Inc, which tries to bring together all the tourism operators within the city. I just want to let you know that our ministry and our government is very dedicated to marketing the whole area through the Gateway project; that is, the Welland Canal, the Shaw Festival, the racetrack, all kinds of things across the region to make people stay and enjoy their trip. So I want to make sure that you will work with our new tourism body down there and also with this ministry to market the area.

Mr Burroughs: There's no doubt about that. As I mentioned earlier, there has been a change and whether it was partially brought on by the recession, whichever recession we're talking about, I think we've learned a

great deal within the industry and I think we are working and we have the ability to work together much better than we did a few years ago. I don't see a problem with that.

The Chair: Dr Frankford, you have time for one brief question.

Mr Robert Frankford (Scarborough East): I've certainly enjoyed coming down your way. I can see one thing: It's a great area.

Mr Burroughs: It's a wonderful area.

Mr Frankford: I was interested in your mention of bicycles. I just wondered if you had any other thoughts about what one might call ecotourism.

Mr Burroughs: Basically, I'm just at the stage of being astounded by the success of it. It is becoming a major operation and the parks commission under Pam Walker, the previous chairman, has been outstanding and forward-thinking. I believe on a smaller scale, but on a wintertime basis, that this butterfly house, when it is completed, will be a leadership role in both the healthy environment of greenhouses in the off-season, that kind of thing, as well as keeping people in town.

The parks commission has operated cross-country. They have tried to do those sort of things with varying degrees of success over the years, but I think the point is that they are very up to date on meeting the needs of society, particularly the Niagara region. So whether they're successful on the ongoing basis, at least they're totally aware of them and dealing with them.

The Chair: We would like to thank you again, Mr Burroughs, for your appearance before the committee today.

NADIA DIAKUN-THIBAUT

Review of intended appointment, selected by the third party: Nadia Diakun-Thibault, intended appointee as member, Advocacy Commission.

The Chair: Our next appointment is Ms Nadia Diakun-Thibault. Good morning and welcome to the committee. This is an appointment as a member of the Advocacy Commission. We will start with the Progressive Conservative Party.

Mrs Witmer: Welcome to the committee. My first question to you is, how did you become familiar with the Advocacy Commission and how did you come to be appointed?

Ms Nadia Diakun-Thibault: That's a very interesting question, and I suppose I should answer that very delicately. Let's say that I became familiar with the Advocacy Act, which was certainly first, preceded it, as a result of my work as chair of the public policy committee for the Alzheimer Society of Ottawa-Carleton and as part of my capacity as executive director of the council on aging. It was the first draft that certainly attracted my attention.

1100

How I came to be appointed, to be really very honest, I'm not sure. I suppose that in the work I have done in the last two years with respect to the act there is perhaps something about my abilities that demonstrates strengths that would be useful to the commission.

Mrs Witmer: Would you just elaborate on what you have done during the last two years for the committee?

Ms Diakun-Thibault: When the legislation received first reading, I was perhaps one of the first and certainly one of the more vocal opponents of the legislation. I found the first draft rather flawed. It needed extensive revision, and as a result of second reading and appearances of many groups before the standing committee on social development, the final reading of the act certainly was a far cry from the first and was certainly a piece of legislation that I could live with.

Since then I think I've been quite active in assisting many persons who have levied a lot of criticism against the act to perhaps better understand the legislation's intent. I brought along with me one of those responses, recently published in the *Lawyers Weekly*. I am not a lawyer, so I am quite pleased that they chose to publish the response. It is a response to Philip Crouch, who was particularly vicious in his attack in the *Lawyers Weekly*. So if I may file this with the Chair, perhaps the Chair would like to give each one of you a copy.

Mrs Witmer: You've indicated, then, you feel you've had some impact on making changes to the act.

Ms Diakun-Thibault: I would hope so.

Mrs Witmer: I'm sure you probably have. Is there still more that you would like to see? I think you've also indicated you're relatively comfortable and pleased with where it's at at the present time. Is there any other area that still needs to continue to be looked at, to fine-tune it, I guess, at this point? Obviously, you're quite comfortable.

Ms Diakun-Thibault: As you know, legislation always will be fine-tuned, regardless of which government brings it in and as time progresses and things change. Legislation should be dynamic enough and not static so that it can change with the times and reflect the needs of our society at that time.

I think that perhaps 10 years down the road we may even be able to dispense with the legislation, provided that the work of the commission and many community organizations is such that it will bring about the changes that at this time we see are problems. If that happens, we might live in a perfect world. I know that we are quite human and prone to making mistakes. We will continually make mistakes, but that's the vision I have for the legislation: to have an impact, to do something good. It will be very incumbent upon the commission to do its work well.

Mrs Witmer: It's refreshing to hear you say that maybe at the end of 10 years there'll be no need for the commission, because, unfortunately, when governments tend to set up commissions, they seem to continue and have a life of their own. So you do see the real possibility of this not being necessary in the future if certain things would happen. What things need to happen that would eliminate the need for this commission altogether?

Ms Diakun-Thibault: I think we would have to have a major shift in the understanding and the attitudes of our society. I can't give you specific examples. Perhaps let me use a specific example that is particularly dear to my

heart because of my mother. My mother had Alzheimer's disease, and if I can contribute in any way to this province so that elderly persons with dementia can be treated in a more equitable, a fairer, more compassionate manner with time, then I will have made an impact on the lives of my fellow citizens.

I don't say that glibly. I'm very, very serious. We have much work to do. There are still a great many misconceptions about Alzheimer's disease and there are many, many attitudes towards the elderly that are inappropriate and very unfortunate. That's one little thing that I'd like to see changed. Maybe in time we will learn that we're not all the same, we're not cut by the same cookie cutter and that we all have a place in our society. If that's enough, then that will be my contribution.

Mrs Witmer: I'm interested in hearing you say that, because as our population ages, obviously, there's going to be a larger senior citizen population. How do you specifically see the Advocacy Act helping seniors who suffer from Alzheimer's or senility or some of the other problems associated with senior citizens?

Ms Diakun-Thibault: I'd like to put that into the context that advocacy came in with companion legislation: substitute decisions and consent to treatment. One of the very important pieces of substitute decisions is making living wills binding. I have heard from many senior citizens in our area of eastern Ontario and elsewhere that they would like to have, literally, control over their lives. What they wish to do is exercise more autonomy.

I'm sure you know that regardless of the Charter of Rights and Freedoms, there are still many instances, well documented in legal journals and medical journals, where the rights of the patient, the rights of the person are often trampled on. In that regard, if advocacy, substitute decisions, living wills, power of attorney for personal care, power of attorney for property can be exercised in a fashion that allows the individual to use moral autonomy to make decisions for themselves, which they have a right to do, that will make the changes for senior citizens down the road. It's extremely important; it's crucial.

Mrs Witmer: What do you say to the people who are fearful of the intrusive nature of this act? Families fear that decision-making regarding loved ones will be taken out of their hands by a large government bureaucracy. How do you respond to those people who have those fears?

Ms Diakun-Thibault: I don't think there is any piece of government legislation in our history that has not been intrusive in our lives at some point. One would be able to say that the Income Tax Act is intrusive. Safety legislation is intrusive. Business might say environmental laws are intrusive. Does that mean that we throw out all government legislation because it's intrusive in some way to some one? I think not.

I'd like to allay their fears by suggesting that right now we don't have a bureaucracy. The commission has not met. We are intended appointees. We haven't had a chance, should we be appointed to do any work, to think, to talk about what is necessary and to hear from others

who may have alternative opinions. The work hasn't even begun yet, so a fear of a large burgeoning bureaucracy is premature and unmitigated as far as I can tell.

Mrs Witmer: There's some concern that the personal advocacy services that are presently being provided will be sabotaged or eliminated once this Advocacy Commission starts to wield some power. Again, that's a concern.

Ms Diakun-Thibault: I'm not that pessimistic. I think it will be very much the work of the commission to assure that we understand the word "advocacy" in all of its definitions, whether it's the quasi-legal now as according to the legislation or whether it's in a very journalistic fashion where it is making representations before committees of the Legislature or the House of Commons.

Having said that, once you educate and raise public awareness, then perhaps the greater part of the battle is won. I would hope that my personal experience with Alzheimer's disease would reassure those who are family members of persons with dementia that there is at least one person on the commission who understands their needs and understands their concerns.

Mr Gary Malkowski (York East): You've worked in settings where a concern has been expressed about the intrusion of rights advocates and where the organizations that you represent will be seeking capacity assessments. So how can you justify sitting on a body which is designed to ensure that those people who will be subject to these assessments are fully informed and given support if they choose to challenge the assessment?

Ms Diakun-Thibault: That's the nature of democracy. Does it need justification?

1110

Mr Malkowski: The entire philosophy of the Advocacy Act is to foster independence and to assist people in exercising their rights to speak out on their own behalf. The purpose of the act was to move away from a paternalistic system in which someone makes decisions for a vulnerable person, to one in which the person is empowered to make their own decisions. Do you believe in this philosophy, and if so, can you justify sitting on this commission when you are representing organizations against whom people will be advocating?

Ms Diakun-Thibault: I don't think I represent organizations against whom people will be advocating. I am executive director of the Council on Aging for Lanark, Leeds and Grenville, which represents the interests of senior citizens. My other associations have been with the Alzheimer Society of Ottawa-Carleton. I have just used the words "moral autonomy." I believe in that very firmly and very strongly and I have no qualms sitting on this commission. I think one of my strengths is that I am not easily intimidated, will be questioning and perhaps will be able to assist in the work of the commission.

The last thing we would like to see on the commission, I would think, as citizens—and I step back from my intended appointment to citizen—is a group of persons, albeit with specific points of view, with very specific understandings and experiences, to be, if I might, patsies or to be frightened of anyone. I think the appointments to

this commission show that this group is a very strong, dedicated and committed group. They come from different perspectives, different experiences. My work on the commission will allow me to learn a great deal more from people who have a very different experience in life than I do. There is no conflict for me.

Mr Malkowski: How can you make sure there is a balanced perspective, say, between the Alzheimer Society and its perspective and the perspective from developmentally disabled communities and their concerns? How can you balance the concerns of these different communities, talking about capacity assessments or different things? When a person challenges an organization, how do you balance their needs and serve their needs?

Ms Diakun-Thibault: That's a very complicated and complex question, and I'd be remiss if I gave you a very glossed answer. I think it will take a great deal of thought and consideration to look at both perspectives and both points of view.

Let me just share with you one experience that I had about two years ago. I was invited by the district health council of Ottawa-Carleton to come as a guest—I do not sit on their health issues committee—as a result of my work with the Alzheimer Society and my interest in public policy, to look at the legislation at that time, which was in second reading, and to make some recommendation to the health issues committee that it would take to put in its presentation.

I have to correct myself. I said district health council, but it was the Council on Aging for Ottawa-Carleton. I apologize.

One of the persons who sat on this committee was a mother of a developmentally handicapped child. We have different perspectives and different needs. In the discussion about one particular aspect of substitute decisions, and to the best of my recollection it was clause 15 which had to do with research, she was very much opposed to this clause. I argued for, because from both of our perspectives biological research, research in general, is extremely important and crucial.

In the end, we reached a compromise which accepted clause 15 to remain as it were, so that research with caution, with adherence to rules and a code of ethics, be permitted regardless. The reading of that one little clause would have suggested that even if biological research would just want a blood sample, it would not be able to be permitted. I thought—the suggestion was to change it so that it would be permitted—that would be very presumptuous on our part to suggest that scientific research has no place in our society.

I think the answer is that one will strive and one will work to a compromise, understanding that we're not in opposition. We are working together, these are parallel streams, and there is no reason to believe that anyone will be at loggerheads with each other. I hope that answers your question.

Mr Malkowski: Thank you for sharing your point of view.

The Chair: There are three minutes left. Mr Marchese and Ms Carter.

Ms Carter: Mr Marchese has conceded.

I'd like to welcome you to this committee. In the performance of my duties which involve seniors we've crossed paths several times, I believe, so I know you're—

Ms Diakun-Thibault: We've crossed paths, but not swords.

Ms Carter: Right. I was interested in something you said earlier on, that hopefully the Advocacy Commission might do itself out of a job. I've certainly felt that about employment equity, that if we could just change attitudes, or if attitudes would change as a result of everybody getting jobs on a fair basis, then eventually that would happen automatically and we wouldn't need to worry.

But I'm not quite so sure that the Advocacy Commission could ever be out of a job. Obviously, with its systemic activities, it can improve the general situation, and hopefully there will be an improvement in attitudes too. But do you think that we could ever, in an imperfect world, reach a situation where nobody would ever get treated badly when they were in a vulnerable situation so that they would need this kind of assistance?

Ms Diakun-Thibault: I think you know that I'm a realist. The answer is very simple: No. This is an imperfect world, but the objective should be that we try to make it as perfect as we can, to better it as best as we can and to perhaps live by a motto that I was brought up with. It was the motto of my high school, the motto of St Basil: "Leave things better than you found them." When you find them in disarray, in a bad state, do what you can to fix it, make it better, so that it will be better for future generations. That work continues. It will always be a challenge for all of us.

I'd like to be very optimistic that perhaps we could make such a substantial change in our society that we could legislate the Advocacy Commission out of existence, but perhaps that's not realistic. However, how the commission handles itself, how it proceeds, will be part and parcel of the determination of its longevity or its demise.

Ms Carter: Hopefully, it could at least shrink.

Mr Curling: I too would like to take the opportunity to welcome you to the committee. You made a comment earlier on which I found very interesting. You said, "Those of us who want to criticize the advocacy legislation should first know what it's all about before we criticize it." If there is any legislation that passed during the time of this government that was quite difficult, it's this Advocacy Act that is composed of three different acts in one, trying to understand them all at once.

Therefore, there will be people who will not understand it, like myself. I don't profess to understand this act one bit and I don't think I will ever get it quickly either. There may be people like yourself and some of my colleagues who seem to have a better understanding somehow, but I understand, more or less, the diagnosis of it all, and as I said earlier on, I'm not quite sure I'm convinced of the prescription that is laid out here in this act. If there's a challenge to the commission about this act, it is to educate the people about this act, what it's all about. I think that's one of the main responsibilities.

I ask you this question first, about the composition of the commission. Are you over 65?

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Ms Diakun-Thibault: I do not think so. No, sir.

Mr Curling: Are you disabled, or intend to become disabled?

Ms Diakun-Thibault: My mother had Alzheimer's disease. I live with the risk that I too could develop Alzheimer's disease, and in my reading, tomorrow I could be involved in a serious accident and I could become disabled. I am also vulnerable.

Mr Curling: I presume you think I'm rather presumptuous to ask you those questions.

Ms Diakun-Thibault: No. Go right ahead.

Mr Curling: But the act actually asks for that. That's how the commission must be comprised of people.

Ms Diakun-Thibault: The act also stipulates that the appointees should also be committed to advocacy, and I think I fulfil that criterion.

Mr Curling: Oh, yes. I was just trying to put you in a category. The categories I ask you are not the categories that you fill. Do you feel then that the way the commission is comprised is the best way to go about the composition of the commission?

Ms Diakun-Thibault: I would say it's an adequate way of composing the commission. I believe that the minister in this round of appointments has balanced the commission by also providing perspectives from some of the other very vocal critics of the legislation. I think it is, at least in my estimation, a fairly balanced composition, yes.

Mr Curling: How do you feel about sitting on a commission that the legislation is not yet proclaimed, most of it?

Ms Diakun-Thibault: Is that not an occupational hazard on occasion with government that you might be on the commission of legislation that has not yet been proclaimed? A historical question.

Mr Curling: I didn't get your answer.

Ms Diakun-Thibault: I think that it's an occupational hazard, that oftentimes things are created before legislation is proclaimed. So this is just a kink in history, I suppose.

Mr Curling: I just ask that government do the things it demands of the private sector. If any businesses come before them without being properly formed, they neither fund them or give them a licence. We seem to go ahead without even being licensed and formulate and say, "Well, that's an occupational hazard." I think when the private sector does come to the government in that sense, it would look at it the same way, "We're not yet legitimate fully, but accept us." I just wondered why they would proceed in that light.

How do you feel about the training aspect of the advocates who are coming on board? Who should do the training? Who should dictate it? I think I'm moving into what we call the arm's-length aspect of the commission. In one aspect of it, at the initial stage, they threw around the fact that it's an arm's-length commission, which it is

not in the initial stage, or do you see this as an arm's-length body now?

Ms Diakun-Thibault: The commission at this time does not exist. This committee has not yet sent, I believe, its final approval of all the candidates. Once everyone's order in council is signed, then the commission will exist. Technically, right now there is no commission.

With respect to training, I think we have an excellent system of colleges and universities that can be adequately brought up to speed, and quickly, to provide the kind of training for applicants as it is needed.

I was hoping that perhaps you might like to ask me who I see as an advocate; what kind of advocate would I like to see. I'd love to answer that question, if you'll allow me.

Mr Curling: No, I'll ask you another question. I won't allow you to. I'll ask you, because we have a short time. I just want to ask you some of those questions. Please don't think I am rude about that, but it's just a short, limited time that we have.

When I asked you about training, I just wondered—well, first, it was rather interesting to hear your comment. You said it doesn't exist. I was about to ask you then, should I have questioned you, since there is no commission, it doesn't exist.

Ms Diakun-Thibault: But the terms of reference of this committee are to review intended appointments. So, yes.

Mr Curling: It does exist?

Ms Diakun-Thibault: I think that's a moot point. I think we'd be splitting hairs and entering into a debate I don't think would be fruitful.

Mr Curling: The only reason I ask is that people want to know that there's a legitimate commission out there. It's a legitimate commission that is touted as at arm's length, and it is not at arm's length at the beginning stage. They intend to have it at arm's length. In the meantime, while we're trying to define what it is, I'm getting from you it doesn't exist when it does exist. It is a schedule 1, and people don't understand that outside anyhow. What they know is to what extent is it arm's length, how much interference, how much input that the minister will dictate to this group, who this group is about in order to recognize people's independence itself, and I haven't got the answer yet, neither from you or anyone else whether this commission really is legit, is legally—

Ms Diakun-Thibault: Mr Curling, I have a wee bit of experience in my past history of having worked as exempt staff on Parliament Hill for members of Parliament. I do recall that when the Prime Minister appoints a royal commission, very few people question its legitimacy or question its arm's-length nature to the government. The commission will be the one that will determine whether it will be perceived as an arm's-length commission or whether it's going to be perceived as a commission that is at the service of the minister.

This commission is at the service of the government, as all other commissions are. I'm not sure it would help if I were to say to you, "It's not arm's length, it is arm's

length," and to engage in that debate, because really, to be very honest, I don't have that answer. I don't think we have resolved that on either the federal or provincial levels. A commission appointed by a government may seem or may be perceived as arm's length, but is it really, because it has been appointed by a government.

Mr Curling: Let me read from the definition I got, "The advocacy program will be run by the Advocacy Commission, which will operate at arm's length from the government, and which will provide advocacy service to vulnerable adults." I'm just saying to you, I'm questioning you from information that I have before me that is researched by the Legislative Assembly. In that context, that's the reason why I ask about the arm's length, because it's so important that we establish whether or not this commission would be arm's length or whether it will be, well, at times manipulated by the minister and interfered with by government. I'm not yet convinced that that will be so unless it is properly established.

I want to say this, though, in the sense that as I was reading your dossier here, I was extremely impressed about some of the things you have done.

Ms Diakun-Thibault: Even though I'm not 65.

Mr Curling: No, I have no question about your ability, even if you are 85. This is one of the criteria, and I did ask that. I think some of the track record you have here—and I'll just wind up as a comment instead of a response then—I think the credits you brought within this will do well for the commission, but I just want to tell you some of my concerns: concerns about training and, again, who will be an advocate. I have that in my head too, but because of the short time I did not ask you that. Thank you very much for coming before us.

The Chair: Thank you, Ms Diakun-Thibault, for appearing before the committee this morning.

Ms Diakun-Thibault: Thank you very much. It was a pleasure.

PHYLLIS JEAN SAVOIE

Review of intended appointment, selected by official opposition: Phyllis Jean Savoie, intended appointee as member and chair, East Niagara Housing Authority.

The Chair: Our next appointment this morning is that of Ms Phyllis Jean Savoie. This is an intended appointment as member and chair of the East Niagara Housing Authority. I guess we're in Ms Harrington's riding this morning. Welcome to the committee.

Ms Phyllis Jean Savoie: Thank you.

The Chair: This is a selection of the official opposition party. Mr Bradley?

Mr Bradley: My first question has to do with the amalgamation of housing authorities. The provincial government is now engaging in a process of centralization, once again, this time in the field of housing authorities, and there have been a number of discussions taking place under the guise of consultations that seem to be aiming towards bringing together the housing authorities in various parts of the province—I'll be parochial because you're dealing with the East Niagara Housing Authority—wanting to bring together the housing authorities in the Niagara region into one authority. Do you

have any views on the advisability of having one authority in the Niagara region?

1130

Ms Savoie: Specifically, no, I don't, because I haven't been able to be involved on a firsthand basis. I have, however, had a conversation with the housing manager of the East Niagara Housing Authority and spoke with him about his concerns and those of his staff, as he's relayed them, as to what they saw were the problems. Throughout the conversation, there was some agreement between the two of us that it wouldn't necessarily be a bad idea, but at this point in time there were still a lot of unanswered questions in their minds. My understanding is that it's the 21st of this month that they're expecting an answer. He has indicated that there's a commitment to work within whatever process is decided, but they still, like I said, have some questions.

Mr Bradley: When there is a move towards amalgamation or regionalization, the contention is always that it's going to save money, that bigger is better in terms of being more efficient. My personal observation is that that isn't always the case, that larger municipalities or larger structures of any kind do not always produce the economies of scale that are contended by those who are proponents.

Do you see a problem for individuals accessing one regional housing authority? For instance, if they lived in Niagara Falls and the office were located in Thorold, as they would probably want to put it at the top of the hill with regional headquarters and so on, do you see that as being an inconvenience, particularly for senior citizens, who don't always want to travel great distances and find it much more convenient to deal in Niagara Falls or in St Catharines or in Welland?

Ms Savoie: My understanding is that the proposal is to have satellite-type offices in the areas they're in now so consumers aren't going to be inconvenienced in terms of travel. The whole question of travel within the region I think comes under a whole other discussion about the ability to get from Fort Erie to St Catharines being a whole day's jaunt. I know that was taken into consideration in those discussions.

Mr Bradley: You're dealing with a public housing authority here. People in the private sector, particularly I suppose those who are in the building business, have on a continuing basis, but increasing more recently, sent letters to members of the Legislature and made representations to committees suggesting that the private sector is in a better position to be able to provide affordable housing for individuals than the public sector. Your involvement has been with the public sector for some period of time in non-profit housing and so on. I'd like to determine what your views would be on the suggestions from the private builders and so on that they could provide low-cost housing, good housing for individuals, better than the public sector.

Ms Savoie: Is this in terms of rent supplement? Is that the direction you're going, or actual buildings?

Mr Bradley: Well, some of them have suggested that that is the case. Whether it is that or not, their contention

is that it's extremely expensive to provide housing for moderate- and low-income people using the present systems that governments have been using for a number of years and continue to use. Their contention would be that they have a better way. Rent supplements I think are advocated by at least some of those people.

Ms Savoie: In terms of rent supplement, I believe that it's a valid argument if there's a glut of available units in the market, that it keeps the competition and there's a way to actually keep rents in check. I believe, and there have been a lot of studies done, that when there's a shortage of housing in the market, it may not be the best way to go, because it kind of opens up that whole idea of, you know, "I can get the most money possible because people are in real, dire need."

In terms of construction, if that's the direction the conversations have gone, it's interesting that when there was a boom in the public housing field, the builders who were asked to participate and come in with really low construction prices were actually the people who gave us the most argument that they had their costs of labour and all of the other things wound together, so they certainly played a part in keeping costs up. I think, depending on the time and what the job situation is, financially recession-type discussion sometimes mandates the direction they go.

The Chair: Mr Curling, there are four and a half minutes.

Mr Curling: Four and a half minutes left. Thank you.

Ms Savoie: I'm not 65 either.

Mr Curling: Let me just continue with what Mr Bradley was saying. I disagree with you a little bit. There is a glut of housing on the market. There's no doubt about that, and there is a misconception to feel that there is not housing, lots out there. What we talk about is the affordability of it. We have taken care of that in the sense that escalating prices, in other words, rent control, controls that.

Now, you talk about subsidizing the individual. It's a much more human way and a much more selective way that the individual could find places to live where they want, where they want to take their kids to school and all that. Would you support to the government that it should look very seriously at supplementing rent more than building more non-profit housing, because the cost of building non-profit housing is higher than the private sector now?

Ms Savoie: It's a double-edged sword as well. I would support it if there was in fact housing in the area where people wanted to live. I think the flip side of that is that there are people in some areas where there just simply isn't enough housing in their area or there isn't affordable housing, and then at that point in time I think there's a responsibility within society to provide. If they don't, what we're asking people to do is uproot their families and move them to whatever area it is available. Then that flops back on to the job situation. So I think it has to be looked at either one of both ways.

But in terms of if that were the situation of the day and there was the glut—and the comment I made was

rent supplements in the time when there was, just to be sure we're not arguing the point—I think there is merit in the possibility of providing people with the rent supplement, yes.

Mr Curling: But you would not encourage, you would not recommend that they take a very serious look at, stop building non-profit housing because of the fact that the cost factor is much higher than the private sector.

Ms Savoie: In a blanket, no. I wouldn't support just a blanket statement like that, because there are other things to be considered.

Mr Curling: No, not the blanket, to look into it, study it and find out which is more economical to do, because you're spending more money not only subsidizing but giving money to build non-profit housing than in the private sector. Let the private sector take the risk, and what you do is subsidize the rent.

Ms Savoie: Well, I said that, yes, I agree with that in principle. So I guess the question again put that way is I agree with that in principle, but if the question to me is, would that be my direct recommendation, that the actual construction be stopped and go in this other direction, no, I wouldn't.

Mr Curling: Let me ask you this one other question. How do you respond to the fact that we, "we" meaning the Ontario government, are the second-largest landlord in North America and one of the worst landlords they have in the sense of where people live and how they maintain those buildings? Do you think some emphasis should be placed on cleaning up their act and acting like responsible landlords and having the place where people do live be much more habitable?

Ms Savoie: If that's true, yes, but I've certainly never heard anything like that.

Mr Curling: Oh, you didn't?

Ms Savoie: No.

Mr McLean: Welcome to the committee this morning. I want to talk a little bit about the Niagara area that you're involved in. Do you have any safety or security problems in your housing authority?

Ms Savoie: Yes, there are some safety issues and security issues in some of the different developments.

Mr McLean: Do you have a security firm that looks after your overall buildings?

Ms Savoie: No.

Mr McLean: The other question I have is, the minister appeared before the standing committee on estimates in 1993 and she indicated that all Ontario's 56 local housing authorities have formed a local planning committee and begun the work of implementing this program. Are you familiar with this initiative?

Ms Savoie: The Planning Together process I'm familiar with, but I haven't been involved with east Niagara specifically. But I'm very familiar with the concept in Consultation Counts and Planning Together.

Mr McLean: Do you have a group of people that's involved in the tenant selection and transfers?

Ms Savoie: Currently in east Niagara there is tenant representation and in one particular of the locations there

is actually a very active tenant group that meets with the staff and housing manager and they participate in discussions about the direction that they're going to go. In the seniors' buildings, their committees, though, are specifically social functions.

1140

Mr McLean: You have 19 staff persons?

Ms Savoie: Right.

Mr McLean: What would those people mainly do? Do they work in the office? They're not classified as the people who would live in one of the residences for cleaning or that type of thing?

Ms Savoie: No.

Mr McLean: Who would do the cleaning in a complex?

Ms Savoie: In the units themselves, the interior, in the seniors' buildings in particular, there would traditionally be a live-in super who works in there. In the townhouses, of course, people maintain their own, and then there are maintenance staff.

Mr McLean: But that super wouldn't be classified as one of your employees?

Ms Savoie: Not that I know of; no, I don't believe so.

Mr McLean: He's not one of the 19 then.

Ms Savoie: I don't believe so.

Mr McLean: The ratio of seniors to middle-class—what number of seniors would be in your—do you have specific homes for seniors?

Ms Savoie: Yes, in the East Niagara Housing Authority there are 17 sites in total and 10 of those are seniors' buildings.

Mr McLean: Seniors only?

Ms Savoie: Yes, and seven are family.

Mr McLean: Can we have seniors-only buildings designated now? I thought that was something we couldn't.

Ms Savoie: The average age of the housing stock is 20 years, so I think many of them have been there for a period of time.

Mr McLean: But can they be transferred from one home to the other?

Ms Savoie: If they wish, yes. I actually think it's a good idea and I support integrated groups and bringing seniors into family housing. I don't believe that many of the seniors' groups, in a lot of cases, would agree to a transfer the other way.

Mr McLean: Any idea what your waiting list is?

Ms Savoie: Actually, at the end of the month, September, there were 382 people who are currently registered on the waiting list and people who have kept their information up to date. But there are several people who have fallen off, in the sense that they haven't given their latest phone number, address, information like that, so there's no way of locating them.

Mr McLean: Do you have any idea—it's a tough question—of what percentage would be seniors and what percentage would be looking for subsidized housing?

Ms Savoie: By and large, pretty much everyone who's on the waiting list is waiting for a subsidy of one level or another. Some 62 of the people who are on the list are seniors waiting for one-bedrooms. I have that information.

Mr McLean: Do you have many three-bedrooms sitting empty?

Ms Savoie: The housing authority specifically has a couple of three-bedrooms that are empty, but they're in the transition of people preparing to move in. If you're talking about three-bedrooms, there are three-bedroom units available in the Niagara area, yes, many of them at what's called market rent, which is out of the reach for people on fixed income.

Mr McLean: They're \$800 usually, or \$840, and you can probably rent privately cheaper than that.

Ms Savoie: A lot of times less. I was meeting with the committee last night and there's a man whose pension is \$648 and his rent is \$450 and a bus pass costs him \$40 a month, so he's waiting and there are—

Mr McLean: What's he in now?

Ms Savoie: Right now he's in a rooming house, because there's such a shortage of one-bedrooms.

Mr McLean: What are we going to do? I mean, I've had this discussion before with these three-bedrooms, because I know in our area there are three-bedrooms sitting there empty because they're the market value and nobody can afford them. What are we doing with regard to these three-bedrooms sitting around the province that we can't rent? That puts a burden on the whole system.

Ms Savoie: There is a mechanism to ask for a review of the market rent assessment that's set, and I think that's been recommended in most of the areas in Niagara and the units there, where it was suggested to people that they should be writing letters and asking to meet with the local ministry officials to ask them to take a good look at how the market rent was actually set. Many of those market rents were set in 1985 or 1988, in that area, where housing was in a little different situation, so there were a lot of different considerations. When those assessments are done, the people who do the assessments, the experts in the field, also take into consideration private buildings as well as anything in the immediate area which would be classified for rent. I think when you take a look at it, there's not always an even balance of what got thrown into the equation, so sometimes the market rents have been set a little out of reach.

Mr McLean: Thank you for appearing this morning. I was glad to hear you when you were answering Mr Curling with regard to subsidizing the rent and I think that's probably a study that's long overdue. There's been one done and I would hope that we would have another look at that. I wish you well.

Ms Harrington: Thank you for coming, Phyllis. There are two important areas that I would like to look at in the East Niagara Housing Authority. First of all is the board and how it's functioning and the relationship to staff and your role as chair. First of all, it's a very difficult time, I would think, for you to come in because of the amalgamation question that is out there and that

hasn't been resolved. Obviously if we're going through that process, it's going to be a difficult process.

Coming in as a chair from outside and not being on the board previously, that means getting to know people, building up a trust factor, working with people. You have people on the board who are municipal appointments, people who are federal appointments, and you all have to be there as a team. How do you see your role as chair and what background do you have to bring to this, I would say, very difficult task?

Ms Savoie: You had to say "difficult." I've been speaking with the housing manager about that issue because I know, through other committees I sit on, that it's a real concern. The board itself, just to deal with that issue, currently is not functioning because there are some appointments that have just been made, there are some appointments that are waiting to be made and there are some internal issues that need to be worked out.

I see my role as the chair, if it so comes, as that it's up to me to try to bring people together, to get them to a table and to get those agendas out there and deal with whatever their agenda is, to get those issues out of the way and then to start clean.

The work that will be before the housing authority after the amalgamation decision is made will be putting things back together, because the element of trust right now certainly I don't think is there with the staff. There are some board members who have been there through thick and thin with them and they're really looking to them, and others like myself will be coming in and they're not really sure if we have an agenda. So I think we have to do that.

I don't want that process to happen without the staff participating in it, because I think everybody's got to sit down, declare it, deal with the baggage and do some visioning together to decide how we're going to move forward. I think I can do that best with my experience in adult education. It's going to be really critical that the issues are laid out very clearly and that people are given the opportunity to buy into the system. We're all going to have to buy into it and take some ownership and responsibility for whatever decision will be made. That's going to be really important.

On the team-building aspect of it, I have a background in community development as well, so I think I have the skills there to work with people and listen to what the problems are and try to put forward some different ideas and possibly get people to do some real looking around at some alternatives. I know, Margaret, your question was specifically with the board, but I think the key here is the staff.

Ms Harrington: I really hope that you will do well at this. I know you will give it everything you have to build a common vision for the board and the staff.

The second concern I had was with regard to the Planning Together process. Having been with the Ministry of Housing for three years, I know, at least from my point of view, that part of the reason for this was to change the patriarchal system that I believe has been there for some 40 years with regard to Ontario Housing,

like, "This is our housing. You're allowed to live in it and these are the rules kind of thing," into a more empowering system for the people who are the residents and to have them take ownership and improve their lives and break that cycle.

It's a very, very difficult task and this is obviously trying to happen all across the province with some more successful areas probably than others. The whole idea of Planning Together is to have tenant participation in decision-making. Are you familiar with this initiative and how are you going to apply it to East Niagara?

1150

Ms Savoie: I'm very familiar with Planning Together, because the work that I do with my current employment is working in cooperative housing. We're based out of the community and participation is the key in that: working with people, asking them what they think, what they want to do, how they'd like to proceed and what role they're going to take. It just seems so obvious to me that with something that is as consumer-oriented as the housing that we're talking about, people would be asked what they like about it, what they don't like.

I haven't seen the document. I thought that it was unfair to ask that I be given a copy to find out the direction that people took. I don't want to go into the chair having made up my mind before I even get there. I want to get the support of the other board members and I'd like to ask the tenants to participate once more, and even probably a little bit further, in establishing committees in their local housing units and have them come and participate with the board. I don't see any way at all that change can be implemented from the outside looking in. You have to be part of the process and have some ownership in that to change it.

I want the whole process to continue. I don't want it to be simply a document that's shelved that says, "This is what we're going to do," and then no one ever goes back to it; I mean, if the willingness is there to take the document and make it a business-plan type of thing where everybody reflects on it every month and says: "Okay. Where are we? Where are we supposed to be? Which direction do we have to change?"

In cooperative housing, we train people to be able to handle the day-to-day decision-making, how to read the financial statements, how to get involved in those types of decisions and recommendations and lobbying. We do that really well. I'm hoping we can bring that sense of community. I'm going to bring that with me and I'm hoping that other people will pick up on it. I might be a little starry-eyed, but I think it's workable.

Ms Harrington: My colleague has a question too, but I just want to let you know that there have been a lot of meetings over the last couple of years in Niagara Falls around this and that a lot of work has been done. I just hope that the pieces don't fall apart, that it's time now to continue with that.

Ms Savoie: Yes, I got that message loud and clear from the housing manager as well, so I think that everyone is looking to get back on the track and get moving.

Mr Frankford: I was struck by your response to the

question of my Scarborough colleague, Mr Curling, about his impression of public housing as rife with problems, which I think you genuinely don't really see as being that bad. I would assume that this is because you have something very, very different, that is probably on a much smaller scale. Perhaps small is beautiful. I imagine that you don't have areas that are perhaps ghettoized because they are associated with being public housing areas, which is certainly what we find ourselves with in Metro.

I wonder if you would have any comments on both the built form and the organizational form that we should be looking at for the future, perhaps to give some guidance for those of us who happen to be in Metro.

Ms Savoie: It's not accurate to say that there aren't those types of stereotyping. That stereotyping is happening in Niagara; I think it's happening in every community. That I believe is due to a lack of education and a lack of willingness to actually sit and find out what is going on. I think that whole issue can be dealt with by everybody being out there, being in the forefront, and talking about what's being attempted.

In terms of the building in East Niagara, the housing stock is approximately 20 years old, so there's some work to be done there, but I think that working with the tenants and teaching them some skills and working with them will help that. Everyone has pride in ownership, and I think that if you're continuously and systematically booted in the head you become really complacent and you'll take on the attitude of, "It just doesn't matter."

In terms of Metro itself, I think the other thing too that you are looking at is some really isolated cases. It seems to be always in the press, it will be pinpointed at certain locations and it will always start off with the same type of headlines. I think there's some work that needs to be done there, the point being that every community has it. I think it's a lack of education and working with the people who live there. The old days of, "Just be happy we gave you a place to live," have to be completely gone.

Mr Frankford: I'm glad you reminded us that we are dealing with old housing, built 20 years ago under a government—I forget which party it was, but I'm sure that can be found out somewhere.

The Chair: Thank you again, Ms Savoie, for your appearance before the committee this morning. That completes the business of the committee for this morning and we will recess the committee. There will, however, be a very brief, quick meeting of the subcommittee. Thank you very much.

The committee recessed from 1156 to 1401.

The Vice-Chair (Mr Allan K. McLean): I call the government agencies committee to order. This afternoon we're continuing with our reviews.

First off, we have Richard Boutin, intended appointee as member of the Ontario Board of Parole, west central region. Is Mr Boutin here? Will you come up to the front.

SUBCOMMITTEE REPORT

The Vice-Chair: While we're waiting for you to come, we have a subcommittee report that we could deal

with fairly quickly. Has everybody seen this report that the subcommittee dealt with before lunch?

I have a motion by Mr Cleary that it be accepted. Any discussion? All in favour? Opposed, if any? Carried.

INTENDED APPOINTMENTS

RICHARD BOUTIN

Review of intended appointment, selected by official opposition party: Richard Boutin, intended appointee as member, Ontario Board of Parole, west central region.

The Vice-Chair: Mr Boutin, you have the opportunity to make any opening statement, if you would like, or if you want to continue right into questions; the choice is yours.

Mr Richard Boutin: I'll just make a brief opening statement. I apologize; I have a sinus infection so my voice is a little unclear.

The Vice-Chair: We have a half-hour review. Whatever time we use will be taken off the half-hour.

Mr Boutin: First, I would like to thank the committee for selecting me as a candidate for appointment to the Ontario Board of Parole. As a resident of the Niagara region, I have always believed it is important to back one's community with the ideas and abilities one has developed through working collectively towards the goal of making our district a healthy one. A healthy community is one that allows all its citizens the opportunity to participate as productive and appreciated links in the continued struggle to improve everyone's lives.

Consequently, I always have been interested in areas of employment that have allowed me to both participate in improving our society and empowering others to become active participants in determining their future. Therefore, when I read in our local paper about this position, I felt it would allow me the opportunity to continue working in the type of employment geared towards this particular philosophy.

The ideas I bring to the board are the same as the values and principles of the Ontario Board of Parole: First, I believe in the dignity and worth of every individual; second, I believe all individuals can experience personal growth; and third, I believe most communities and individuals need to act responsibly towards each other, because neither can exist without the other.

The abilities I bring to this appointment are my years of experience in working in the public sector, both in social work and in research. First, I have obtained the knowledge of the social service agencies in my community and what support services can be provided to individuals being paroled. Second, I am able to objectively examine the facts in a situation and determine the best possible outcome for all concerned parties. Third, I have a good understanding of the issues that affect people from various backgrounds, which enables me to empathize with all parties involved in a parole hearing.

Therefore, as a member of the Ontario Board of Parole I look forward to using my abilities to improve the welfare of our community.

Mr Bradley: The parole board is an extremely important agency of the Ontario government, as you

would be aware. What specific qualifications would you have when applying for the parole board which would influence the cabinet to appoint you to the parole board, do you believe?

Mr Boutin: The qualifications that I have for this position are, one, that I have worked in the social service sector before, so I have dealt with several individuals who might possibly have experienced being paroled; also, I know quite a bit about the social agencies in the area that are set up to assist individuals being paroled. Third, I do have my mediation background where I had to mediate between disputing parties and decide on a settlement that would make everybody happy and be fair for everyone involved. I also do have a research background as well.

Mr Bradley: Have you held any positions outside of the public sector in recent years?

Mr Boutin: No, I haven't.

Mr Bradley: You say you read about this in the newspaper and applied. Did anybody suggest that you apply or did you discuss it with any member of Parliament or anyone else?

Mr Boutin: No, I did not, sir. I independently applied for the position because I felt I was very much qualified to fulfil the role that was required in it. Nobody pursued me.

Mr Bradley: Many of the appointments that have been made—I suppose it's understandable, although for years I didn't think it was ever going to be possible, because the present Premier said he would never do it—have been members of the New Democratic Party. Are you a member of the New Democratic Party or a supporter of the New Democratic Party?

Mr Boutin: I have been a member of the New Democratic Party, but in my politics, I support no party. I support parties that support my views and my ideas. At times it can be one party and at times it can be another. I don't follow strictly party platforms in terms of my voting.

Mr Bradley: In terms of the responsibilities that you see yourself having, there are many people in our society today who are extremely concerned about the number of people who are being released on parole and who are breaking the terms of parole or committing serious crimes, the latter being more important to them. Do you believe that in the past, up to this point in time, too many people have been released on parole? If so, do you believe there should be fewer people released on parole in the near future or in the future?

Mr Boutin: Judging from the statistics that I have looked at, only 15% of people being paroled actually commit or recommit another crime. Therefore, if 85% of the people being paroled are successful in terms of being reintegrated into the community, I guess the numbers speak for themselves that parole is successful.

Mr Bradley: If I were Mrs de Villiers asking you the same question, the mother of the girl who was murdered by a person who I believe was on parole, would you not understand the concern people would have that that 15%, if they were people who had committed a serious crime,

that indeed would be something our society would find repugnant, particularly Mrs de Villiers and others in her circumstance?

Mr Boutin: First of all, I do know a little bit about that case but not all of the facts; therefore I really can't comment on everything that was questioned. However, with any type of situation when you're dealing with human beings, you have to acknowledge that there are errors and mistakes that do happen. None of us are infallible. Therefore, although it was an unfortunate incident that occurred, it was something that—there's no way always of predicting the crimes recurring all the time, and that was an unfortunate incident.

Another thing though is, understanding the mother's and the victim's rights is important in determining parole as well. I'm sure in that case, although I'm not familiar with all of it, her statements were submitted to the board. So it was an unfortunate incident, but one can't always guarantee everything will be always 100% correct and successful.

1410

Mr Bradley: Do you believe we jail too many people in our country?

Mr Boutin: That's a tough question, because I guess you would have to compare it with another place.

Mr Bradley: Compared to Europe. Compared to Britain.

Mr Boutin: I don't think we do.

Mr Bradley: My understanding is that we in North America jail far more people than they do in Britain. I was just wondering whether you believe that we jail too many people and that perhaps we should be looking for alternatives other than jail for many of these people, which would allow them to stay in the community, with the risk of course of committing another crime.

Mr Boutin: Well, that would be why the parole is set up, in order to help a person stay in the community and get re-established in the community and grow in the community. Always putting somebody in prison may not be the total answer.

The Vice-Chair: Mr Curling, perhaps you may want to sneak in here.

Mr Curling: Yes, I will sneak in here now, actually. Thank you very much. Mr Boutin, I would tell you to relax a bit, because we have not turned down one person who has come before us. This is one of the guaranteed job opportunities, in this committee, so you're okay. You'll get the job.

I just want you to comment quickly on this for me. You're already on this probation board, and these people sometimes are released, sometimes on the recommendation of halfway houses, social services agencies, institutions and sometimes their relatives themselves. There is a tremendous concern about how these places are handled or how the government funds these institutions. Do you have any comment on that, that the government should startle itself a bit and look very closely at some of those halfway houses and see how they are run? When you do make that decision and people are on probation, you're going to release these people into the hands of either

these institutions or these individuals. Do you have any comment on that?

Mr Boutin: Again, I don't know whether that's the role of the Board of Parole, to actually examine halfway houses and institutions as such. The board of parole's position is to determine whether somebody is suitable for being reintegrated into the community.

Mr Curling: That's right, and that community sometimes depends on the institutions and where they go. It is their business to know, if I send this individual back into society, into this individual's hands, is that individual okay to have gone to that individual? So it is the responsibility of the parole board.

Mr Boutin: Well, looking at the individual's situation and their plan of action in terms of being paroled and all the personnel involved in that person's parole situation would determine whether or not we'd make the decision to allow them to be paroled.

Mr Curling: Do I have any more time?

The Vice-Chair: You have about a minute, maximum.

Mr Curling: I want to pursue this, because it's very important, because while we believe very much in parole, and I believe in the parole system, I don't believe in a parole system that releases an individual into society who can cause more havoc. Some people need to adjust back into society, and I'm not convinced or I'm not satisfied with your answer.

All I'm saying to you is, do you feel that you should be monitoring those institutions or those individuals to which we release those individuals into our society? Do you feel it's the responsibility of the parole board to do that?

Mr Boutin: To monitor the individual, yes.

Mr Curling: And the people letting them—

Mr Boutin: Supporting them? Yes.

Mrs Witmer: I have questions here regarding the victims' bill of rights. Do you support the victims' bill of rights?

Mr Boutin: I am not overly familiar with all the legislation regarding the victims' bill of rights, but I do support victims having a say in a person's parole situation—not all parole situations, but as I was thinking earlier, in terms of the trial itself, after a decision has been made, allowing the victim the opportunity to either continue on with the process of the individual's parole and being informed of what's going on, or giving them the option of not pursuing that situation, depending on the nature of the crime.

Mrs Witmer: So that for you would be what a victims' bill of rights should be all about?

Mr Boutin: Yes, giving choice to the victim.

Mrs Witmer: You may or may not know that there are only two provinces that don't have a victims' bill of rights. One of them is Ontario and the other is Alberta. This committee has recommended that there be a victims' bill of rights, and there was one introduced by Cam Jackson, a private member's bill, which would apply to the treatment of victims of crime. It says in relationship

to parole that victims should receive information from prosecuting crown attorneys concerning any proceedings, should have an opportunity to make representation to the crown attorney concerning interim release and sentencing, should receive notice of the impending release from custody of a convicted person.

There are several other things as well: For example, a victim of a sexual assault should, if the victim so requests, be interviewed only by a police officer of the same gender; victims should receive information concerning the investigation and the victim's protection; victims should receive social services, health care and medical treatment, counselling and legal assistance responsive to their needs; and of course victims should be treated with courtesy, compassion and respect for their personal dignity and privacy.

Do you support those principles?

Mr Boutin: I do support the principles, but the idea of having somebody of the same sex and gender—they also have to be somebody who is understanding of the victim's situation at that time. It also depends on the nature of the crime. I would assume that for some crimes, by their very nature, victims may not really want to pursue further knowledge of it. But as you read it, it does sound like it is a very positive move in the right direction.

Mrs Witmer: I'll also tell you that the Attorney General, Marion Boyd, appeared before the standing committee on justice in June 1993 and indicated that she couldn't support that particular proposal. I think it's most unfortunate that we don't have in this province at the present time a victims' bill of rights.

I'll end my questioning there.

Ms Harrington: Thank you, Richard, for coming up to Toronto today. We've got a good day for you.

I met Richard a few years ago. You were with the Housing Help Centre in Welland and I was with the Ministry of Housing. I guess you're not there any more. What are you doing now?

Mr Boutin: Currently I'm working at the Ontario Public Interest Research Group at Brock, OPIRG.

Ms Harrington: Yes, I've heard of that. That's a very good group.

There is a suggestion that has been put forward from some quarter that if you look at statistics on who will reoffend, the likelihood of reoffending, just going on a purely statistical approach in terms of who should be paroled and who shouldn't be, it works out fairly close to the way things are happening now when you rely upon the judgement of the three people involved in the review, plus of course using the relevant background documents when you interview that person. Which method would you prefer, and why?

Mr Boutin: I believe, and this is how I've always performed positions in the past as well, that you can't solely rely on statistics when you're dealing with human beings, because human beings are not machines and therefore they don't always act as statistics. Statistics are cold facts but they don't always represent each individual human being, and therefore you have to have a balance

between the two: looking at the facts and statistics and also interviewing, talking with a human being or the person up for parole and discussing what they feel, what they have planned, getting a feel of what they're all about in terms of their being released into the community. You can't rely on solely either side. It's a blend of both.

1420

Ms Harrington: So you feel using the judgement of the three people is an important factor?

Mr Boutin: Yes.

Ms Harrington: I noticed that in your résumé you've listed some interesting facts you've done in the past, skills with the different client groups you've worked with. One of them says, "Mediated between disputing parties during difficult negotiations." I wondered if you could explain a bit further what that involved.

Mr Boutin: In my last position, I would have people of both backgrounds, landlords and tenants, who would come to me, as well as matters not related to landlords and tenants. I would sit down with both parties involved, find out the facts of what was going on with that situation—usually one side is always right—and look at all the facts, talk to the people, find out what happened, how the situation was instigated, and then come to an understanding that both parties could live with.

Sometimes one of the parties wasn't happy with it, but if all the material and the talking and the information brought forth was on the side of, say, the tenant or the landlord, my part would be to basically litigate before it had to go on to a legal matter, at the level of the grass roots. I would make decisions in terms of what side this situation should fall on.

Ms Harrington: I imagine dealing with the landlord and the tenant together would be a very interesting negotiation process.

Mr Boutin: It was quite fun.

Ms Harrington: To go back to some of the comments made earlier with regard to that judgement call you're going to be asked to make, many people in our society now—and we have discussed this in the Legislature many times with regard to victims in our society and their rights, and the Attorney General has now moved forward with several different initiatives to give more rights to victims. How do you assess, when someone is being given parole, whether there is a danger to the victim?

Mr Boutin: If you're looking at an individual being paroled and whether they're a danger to the victim, one would want to look at the nature of the crime towards the victim. For example, stalking or something like that is a crime where there would be a problem with the victim, so you would definitely want to look at the victim's rights there. Also, you'd have to look at the nature of the crime and what was done to the person it was perpetrated on and whether it's a continual situation that has happened or one incident that occurred, probably familiarity to the individual as well. You would have to take in a lot of factors. It would be a lot more difficult than what I just mentioned to you, because I'm sure there would be a lot more intervening factors as to what nature the perpetrator and the victim had in terms of parole.

Ms Carter: Kind of a portmanteau question here: Why do people commit crimes? This is at the base, I guess, of what you'll be dealing with.

Mr Boutin: I wish I knew the \$100,000 answer. There are a lot of suggested reasons, one being economic status, one being gender. Again it depends on the level of crime you're looking at. Certain crimes are looked at as being of a more serious nature, where other levels of crime are looked at in a less serious outlook. In terms of understanding why people commit crimes, there's the psychological, the social, the economical; there are various factors that would instigate somebody to commit a crime.

Ms Carter: It's interesting that if you look at statistics of who actually is in jail, you find there's a large number of people who basically are illiterate and also a large number who have some kind of near disability, if you like, or borderline, or worse, mental problems. I guess the question is really what sort of challenge this poses to society to do something which means those people don't end up in jail because they have certain characteristics.

Mr Boutin: That's where the rehabilitation process will take effect, in terms of when somebody is being paroled: the systems out there to support those persons when they are let out of the institution. That's definitely a needed factor, and it has to be examined before somebody is released.

Ms Carter: So is that an argument for having people out on parole rather than completing their sentences, and going out without there being those checks on them that there are when they're paroled?

Mr Boutin: In terms of looking at somebody serving their full sentence and then they're released, as opposed to somebody going out on parole, I can tell you from my background that somebody who is released from an institution without any supportive factors could—could—recommit a crime, because their doors are open and there you go; whereas somebody who is on parole is given the opportunity to integrate into the community and get the training, get the experience, get the life skills in order for them to stay in the community and become a member of the community. I definitely would say that the parole option is the better of the two.

Ms Carter: So people who insist that somebody serve their full sentence because they're a danger—that might in fact be counterproductive in the long run as far as public safety is concerned?

Mr Boutin: It could be if in the end we're just releasing somebody who has not obtained anything except for staying in a cell for a certain period of time and then we say, "There you go." I don't think that might, in the end, benefit anybody.

The Vice-Chair: Thank you for appearing before the committee today. I wish you well.

Mr Boutin: Thank you.

RAJULA ATHERTON

Review of intended appointment, selected by third party: Rajula Atherton, intended appointee as member, Liquor Control Board of Ontario.

The Vice-Chair: Our next review is Rajula Atherton, intended appointee as member, Liquor Control Board of Ontario. Please have a seat at the front, Rajula. You have the opportunity to make an opening statement, or we can go right into questions, whichever would be your pleasure.

Ms Rajula Atherton: I'd just like to say thank you for inviting me, and I think I'd like to go straight into the questions, please.

Mr Frankford: Welcome. I noticed that the profits of the LCBO have actually tended to decline. Do you have any thoughts of how that could be turned around, or even should it be turned around?

Ms Atherton: That's a very broad question. From the recent trends in society, people are beginning to drink a bit less than they were before, especially the spirits, the higher-alcohol-content beverages. I'm not sure if I would encourage people to drink more. But if we're talking about profits, I think we have to be looking at not only the revenue side but the expense side. We have to strike a balance between how much consumption we want to advocate and the efficient and effective operation of the organization.

1430

Mr Frankford: It seems to me that in retailing, which one can generalize more than in the other sectors—I'm thinking, for instance, of hardware—there is a tendency to large, regional stores in the name of efficiency and reduced overheads at the cost of closing down small neighbourhood stores. But then one could argue that by closing down small neighbourhood stores, you lose something about the quality of life or the economic development of local areas. Do you have any thoughts of where the LCBO should be going in its encouragement of open development and the overall pattern of retailing?

Ms Atherton: What do you mean by "open development"?

Mr Frankford: Should one have small local stores as sort of the centre of—I'm not going to ask about—

Ms Atherton: Do you mean privately owned stores?

Mr Frankford: Not necessarily, but small, let's say, compared to your local hardware store, with a megastore. I'm sure you do have the same thing in the sale of liquor, and perhaps the LCBO could be even taking a proactive policy of saying, "We should be developing local stores because that will help to re-establish local neighbourhoods."

Ms Atherton: My understanding is that the LCBO has quite a good network of stores across the province, and I understand from some reading that I was doing around the LCBO that the Addiction Research Foundation recently did a survey in the province to see the satisfaction level of the residents of Ontario vis-à-vis the LCBO and it seems that people are quite satisfied with the distribution network that the LCBO has in place. So I would say that probably what is in place now is adequate.

Mr Rosario Marchese (Fort York): One question, Ms Atherton: I was reading the research, and one of the research points that has been made is that the LCBO faces a challenge in declining consumption. It says that

not only are people drinking less, but their tastes have shifted from high-cost spirits to a less profitable product such as wines and coolers, so we face a challenge. Now, I'm not sure this is a challenge. While on the one hand we would like to have more money in our coffers, I'm not sure that I would then want to engage the LCBO in finding ways for people to consume more. So it's a double bind perhaps. But I'm not unhappy about the fact that people are drinking less, because presumably that means that more people are more health-conscious, and presumably they're staying more healthy, therefore, in the long term. Do you have a view on that?

Ms Atherton: Yes. I think one should look at alcohol consumption in the context of the total picture, and you made a very good point about the health issues. So I think when one is looking at reduced consumption, perhaps one should also be looking at the reduced costs of treating alcohol-related illnesses and accidents and other matters related to abuse of alcohol, or maybe not even necessarily abuse but just the consumption of alcohol.

No, I think one should not look at one side of the equation alone. I think one should look at other aspects and other impacts of the sale of alcoholic beverages.

Mr Marchese: Right. I was just talking to Dr Frankford very briefly and in a side remark we were saying that perhaps a glass of red wine is good in fact for our health. So this shift away from the spirits to wine may not be such a bad thing after all.

Ms Atherton: No, and if I could make a plug for the Ontario wine industry, I would say that's a very good shift, especially for Ontario wines. I understand that cool-weather wines like we have here are exceptionally good for the health and I think we should encourage some research in that regard.

Mr Frankford: Controlled studies, yes.

Mr Marchese: Good luck, Ms Atherton.

The Vice-Chair: Nothing further from the government members? If there isn't, we'll move on to Mr Cleary.

Mr John C. Cleary (Cornwall): I have a couple of questions. Welcome to the committee. I see in the information we have before us that the number of permanent employees is declining under the board. I guess my question to you is, what changes would you like to see when you become a member of the board?

Ms Atherton: I don't quite have all the information to be able to make an informed comment on the number of employees that I think should be at the board. I suppose the board is facing, like all other organizations in the private and public sectors, reduced revenues and an examination of the costs and the processes that they follow, but I also think there has to be a balance between the humane and empathetic treatment of staff and the efficiency of the organization. I'm sure that the union, as well, has a part to play in the staffing picture for any organization in the public sector.

Mr Cleary: One other thing I'd like to mention here is that I know the inspectors are overworked at the present time. A lot of that has to do with smuggling and

cross-border shopping. Do you think that's a big threat to your board, cross-border shopping and smuggling?

Ms Atherton: Yes, I would think that would be a matter of great concern to us, not only at the board but to all of us in the province, because I understand from newspaper reports that smuggling is quite a significant problem in Ontario and it does affect the industry, and it affects the health of people when they consume alcohol that is not tested and may be quite unsafe for them. But I think the LCBO alone cannot attend to this problem; I think it has to work closely with other government agencies, customs, the police and the public in terms of alerting about the illegal sale of alcohol. So I would like to see an effort where all the relevant government agencies joined forces to attend to this problem.

Mr Cleary: In the past couple of weeks we had the opportunity to go out with a joint task force in our part of eastern Ontario to show us at first hand some of the things that were going on in smuggling. What changes would you like to see? Do you figure the joint task forces are working on smuggling of—well, it's not only beer, wine and liquor but tobacco too. Do you think those task forces are effective?

Ms Atherton: I can't comment on the effectiveness of the task forces because I haven't really studied what their terms of reference were and what they've actually been able to achieve, but just as a citizen and using my common sense, I would say that joint task forces are a very good idea because no one organization can deal with these issues by itself. As well, when we are facing a shortage of money in terms of government programs, I think that we have to join forces and achieve the kind of synergy that many people working together can bring to a problem rather than when they're working by themselves.

I also think that perhaps there needs to be more of a public education program so that people do know the extent of the problem and citizens can also become part of the solution to the problem. I know that when I'm better informed I certainly can make better decisions about where I'm buying from and why I'm buying, and I'm a bit more alert. So I would say that along with the joint forces maybe we need to make the citizens of the community more alert and more aware of a specific problem.

Mr Cleary: Just a comment. I think that the joint task forces are working very well, doing the best they can. They still say they don't have enough manpower, but it took us a long time to encourage both governments to get the joint task force in place. They've been in place almost a year now and I think they're doing the job.

I wish you well, and I know my colleagues have some questions.

1440

Mr Bradley: My question is, do you believe the purchase of liquor products at LCBO stores should be made easier by allowing the use of credit cards?

Ms Atherton: I'm not sure that it makes it easier. I think the use of credit cards conforms to the way we are going in terms of a paperless society. I got a notice in the

mail last night that says I can bank 24 hours a day by phone. I think that's a great idea; it will save me writing a cheque or even going to the bank machine. I suppose it's more convenient.

Mr Bradley: So are you opposed or in favour of credit cards at the liquor stores?

Ms Atherton: I'm in favour of credit cards at the liquor store.

Mr Bradley: Do you think the liquor store should be allowed to open on Sundays?

Ms Atherton: I'm not sure. Probably not. No, I don't think the liquor store should be open on Sundays.

Mr Bradley: How do people get jobs at the liquor stores these days? I remember years ago, all of the Conservatives used to have jobs at the liquor stores. Then I thought all the Liberals wanted jobs at the liquor stores, but of course the Liberals changed that and they didn't get jobs at liquor stores because they weren't going to be like that. How do you get a job at the liquor store now?

Ms Atherton: I'm not sure. I'm not yet a member of the board, and I'm afraid I have—I presume through the competitive process.

Mr Bradley: The Tories are still there. I keep looking and they're still there. I just wondered if there was any change or now they're hired properly. People would come to me when I was an MPP and say, "Can you get me a job in a liquor store?" I used to send them to the local Conservative power broker, because I thought they still got the jobs at the liquor store; it didn't change. You don't know how that happens?

Mr Curling: We shouldn't complain about that. We put a big Tory in to head it anyhow. The Liberals did that, so we shouldn't complain.

My concern—just your comment on this—is people compete for shelf space in the liquor stores. There have been many complaints that there are other people, because the diverse multicultural society has a diverse taste for alcohol too, and they have difficulty getting some of those different liquors on the shelves.

Mr Bradley: Name names.

Mr Curling: You have wonderful Jamaica rum and liquors and different other places. When I spoke to Mr Brandt, he was rather concerned and very sensitive to it. Do you see a lot of change happening, that a different format is used in order to promote some of those liquors, alcohol that is coming in from other countries?

Ms Atherton: As I said earlier, I'm not a member of the board yet so I can't comment on what the organization is planning to do, but I'm sure that, being the progressive type of organization that it seems to be, they would be taking note of the diversity in our society and responding appropriately.

Mr Curling: I want to wish you well. I am not in a good taste of any kind of liquor, from wine to alcohol, so I just want to wish you well on that board.

Ms Atherton: I'd like to suggest—

Mr Curling: Start tasting?

Ms Atherton: —some nice red Ontario wine.

Mr Bradley: In the last 30 seconds I have, could you tell me how you believe the liquor control board could better promote Ontario wines, even better than they do today?

Ms Atherton: I think they're doing a very good job, and the wine industry is certainly very pleased with the kind of attention it has been getting from the LCBO. I think we continue to work together as we have been doing and I'm sure we'll come up with more interesting and innovative ways to promote Ontario wine.

Mr Bradley: Good stuff.

Mr Bill Murdoch (Grey-Owen Sound): I guess we could point out, in terms of Mr Bradley's question about how you get a job, that the Liberals weren't around long to put anybody in there, so that probably was his problem.

Mr Bradley: I can send them to the Tories.

Mr Murdoch: Anyway, I would like your thoughts on privatization of the liquor control board.

Ms Atherton: I guess it depends on what one's point of view is. I think in Ontario right now, the feeling of the residents of Ontario, from the surveys and work of the Addiction Research Foundation, is that we want a balance between social responsibility and therefore control of alcohol. Governments are always interested in collecting the tax revenue from the sale of alcohol, so there is that side of the picture. Then, of course, privatization implies more of an interest in the profit motive rather than the social responsibility aspects of the sale of alcohol.

But I don't think privatization necessarily means people have more choice and more selection. From reading some of the research that has been done on privatization, it appears that people actually have less of a selection, because the individual entrepreneur who is selling the alcohol is only interested in those items that move quickly and have a bigger margin. If one is looking at variety of selection point of view, I don't think privatization would achieve that.

Certainly, if one is looking at the social responsibility picture, which I personally am a proponent of, we don't have the ability to monitor and challenge the sale of alcohol to minors or to people who are intoxicated and who would be endangering themselves by purchasing alcohol.

I think we have to study the issues. And then there's the whole issue of: Is it really cheaper to privatize? Is it really better? The LCBO collects a number of taxes on behalf of the government, and if we were to disburse the activities of the LCBO through privatization, I think we may not collect all the taxes that are due to the government.

Also, I don't think it would be very good for the Ontario wine industry.

All of these issues need to be looked at, so I don't think there's an easy answer. I think it needs to be examined very carefully.

Mr Murdoch: I can see you've done some studying into it, anyway.

Mrs Witmer: You certainly are very knowledgeable.

It's really quite refreshing to have individuals appear before the committee who have some understanding of the committee in which they're going to be involved.

How do you feel about the announcement that was made not too long ago by the minister, Marilyn Churley, indicating that credit cards could now be used at the LCBO store?

Ms Harrington: We already asked that question.

Mrs Witmer: I'm sorry; I missed it. You can answer it again.

Ms Atherton: I said earlier that I believe that's just conforming to the trend we are moving towards as a society. We tend to be moving towards a paperless society, and I think it's just bringing the operations of the LCBO in line with what is now generally common business practice. I was saying that I got a notice in the mail last night that said I could bank for 24 hours a day by phone, which certainly is a very attractive option. I don't have to write a cheque; as soon as I get the bill, I pick up the phone and they debit my account. So I just see it as something that is inevitable.

Mrs Witmer: Unfortunately, I guess it is. I say "unfortunately," because some people are able to control their expenditures and others are not. Unfortunately, for some people who maybe are prone to abuse alcohol, it will put them in a position where they're going to have a debt load that—up until now, they've had to pay cash on the line.

The Vice-Chair: Thank you for appearing before the committee today. We appreciate it. Good luck.

Ms Atherton: Thank you.

The Vice-Chair: The next appointee we have is Judy Aikman-Springer, intended appointee as member and full-time vice-chair, Social Assistance Review Board. Is she here? Not yet. We're rolling right along. I guess we'll recess for a few minutes.

The committee recessed from 1450 to 1456.

JUDY AIKMAN-SPRINGER

Review of intended appointment, selected by official opposition party: Judy Aikman-Springer, intended appointee as member and full-time vice-chair, Social Assistance Review Board.

The Vice-Chair: I call the committee to order. Judy Aikman-Springer is an intended appointee as a member and full-time vice-chair of the Social Assistance Review Board. Welcome to the committee. You have the opportunity to make an opening statement or we can go right into questions, whichever you prefer.

Ms Judy Aikman-Springer: I'll take the questions.

The Vice-Chair: Okay. We'll start off with the opposition party.

Mr Bradley: I have a couple of questions. One is a great concern I have about the Social Assistance Review Board. There's a perception, realistic or not, by many in the municipal field that the Social Assistance Review Board is very partial to those who appeal. In fact, Mr Jackson, the member for Burlington South, indicated in the committee—his figures were that about 47% of the appeals are sustained or accepted by the Social Assistance

Review Board. On the other hand, the Ontario government is telling the local governments to be as careful as possible to ensure that the claims are legitimate, and they're beside themselves at the local municipalities at the number of appeals that are accepted. Do you think it's unusual and acceptable that the Social Assistance Review Board is overturning the decisions of the local authorities about 47% of the time?

Ms Aikman-Springer: I think it's important that there is provision for a board of review. It's part of the democratic process that there is a system of checks and balances and that the right to appeal is in the legislation. My role as a member of the board will be to make the best decision, based on the facts of the individual case that's brought before the board.

Mr Bradley: Many of the municipalities are saying this government is stacking the Social Assistance Review Board with people who are going to be sympathetic to those who appeal. You would not consider yourself in that category. I would take it you are totally impartial, that you don't come with any biases or any preconceived notions.

Ms Aikman-Springer: No, I certainly intend to be as impartial and fair and open-minded as I can be.

Mr Bradley: I'm greatly relieved by that, because I keep hearing these things from the municipalities. I don't know whether to believe them or not, but I keep hearing them.

I would like to talk about student welfare, one of my favourite subjects. The student welfare program was established to allow young people, teenagers, who were in abusive situations at home and were interested in continuing in school to continue in school and receive payments from the grateful taxpayer out there who foots the bill for social assistance payments. Most people—fair-minded people, not everybody; some people would renounce it completely—but most people would say if it were going to designated people who were genuinely interested in carrying on their education and they were in a genuinely abusive situation at home, that would be acceptable.

I hear from people in the education profession and from anguished parents that the system is being abused rather significantly, that (a) the children are not showing up at school, and (b) they're making up situations at home, that they simply don't like the rules of having to be in before sunrise at home and therefore they want to hike out with three or four of their friends, shack up in an apartment—that wording—go together in an apartment and have a jolly good time. How do we deal with this situation? Do you think students should have to attend school and be making some significant progress to be able to receive student welfare?

Ms Aikman-Springer: I believe it is a requirement under the legislation that to receive student welfare the applicant must be 16 to 18 years old. There must be special circumstances before they can be granted assistance, such as you referred to, a situation of abuse, whether physical, emotional or sexual abuse, or a serious family situation such as alcoholism. Student welfare can't be granted just on the basis that there are the normal

disciplinary problems and conflicts between a teenager and his parents or where the teenager just wants to move out and live with friends. That would not indicate that the applicant is eligible for welfare.

Mr Bradley: That's what's not supposed to happen, but we keep hearing reports as MPPs that in fact that is happening. As a member of the Social Assistance Review Board, what kind of input would you bring to the board when faced with cases of this kind? What kind of records investigation would you require from a person making a claim to the board? If they were denied, if the municipality finally said, "No, you're not having it," and they said, "I'll fix you; I know my rights," and they head right to the board and say, "Here I am," what investigative information would you try to obtain before rendering a decision?

Ms Aikman-Springer: The role of the board member is not an investigative role but an adjudicative role.

Mr Bradley: Sure, I know, but what would you think the investigators who provide this information for you would—what kind of information would you need, in other words? I know you don't go out and do the investigating.

Ms Aikman-Springer: The role of the board member would be to look at the evidence that's brought. I think it would be up to the applicant to provide convincing evidence of the situation, the special circumstances that would justify welfare.

Mr Bradley: Would those students be eligible for legal aid? Would they be eligible to have legal representation and therefore be eligible for legal aid? Heaven knows, they wouldn't be able to afford the cost of a lawyer themselves. Do you know if that's the case? I don't.

Ms Aikman-Springer: I believe they may have representation from the legal clinics.

Mr Bradley: You see, I have a great concern that there's going to be—and there is now—a very significant backlash against social assistance payments because of real or perceived abuses. People who are genuinely in need are going to be in a situation where, for instance, a subsequent government could simply throw this program out. Yet I think it's a good program, properly handled. I think this may happen all the time. When I see 47%, Mr Jackson's figures—I have no reason to doubt them; he's always had accurate figures, I believe—when I see that kind of overturning of the local decisions that are made on social assistance, I become concerned. Do you not see the possibility of a backlash increasing against those receiving social assistance if people are getting away with getting social assistance in borderline cases?

Ms Aikman-Springer: Policy issues are not really part of the role of a board member. With regard to student welfare, I believe there were only approximately 400 cases in a year appealed to SARB on that basis, and 50% of them were granted and 50% denied. That's my understanding of the figures.

Mr Curling: I'll just ask a quick question. I just want to thank you for coming before us. Do you think statistics should be kept about who is getting welfare, and also the

cause, to find out what are the reasons? We know many policies and many decisions by government sometimes, like the social contract, have thrown people back on welfare. Do you feel you should be monitoring or that SARB should be monitoring some of the effects that are causing people to come on welfare?

Ms Aikman-Springer: I don't think that would be part of the role of the board. The policy issues, keeping statistics, that's a municipal matter. That's something that's done by municipalities or the provincial agencies. It's not part of the role of a board member of SARB.

Mrs Witmer: I'd just like you to perhaps review with us why you think you're particularly well qualified to sit on this commission.

Ms Aikman-Springer: I have a legal background. I'm a lawyer. I have worked as a staff lawyer in a legal clinic where I dealt with issues of social assistance. I have had the experience of appearing before the Social Assistance Review Board representing applicants or appellants for social assistance. So I have that background. I think I have the expertise and the analytical skills and the knowledge of the area that are necessary for the position.

Mrs Witmer: You've heard the official opposition express some concerns about the entire area of social assistance. As a result of the work that you're going to be involved with on the board, what do you think are going to be some of the challenges that will face you as a board member?

Ms Aikman-Springer: I think the case load that SARB is faced with right now is a heavy one. That's because of the increase in applicants for welfare. There is a corresponding increase in denials and an increase in appeals to SARB. That in itself will be a challenge, and then there are the normal challenges that you would expect whenever you're in any adjudicative position.

Mr Murdoch: There seems to be some problems with SARB in terms of getting the cases heard; there seems to be a backlog. Do you have some ideas about how we can look after this backlog? By the time somebody appeals, the time they're heard and things like this, there seems to be a lot of problems with this. At least, I've heard complaints.

Ms Aikman-Springer: I understand that the board has taken measures to deal with the backlog. They have put innovative procedures in place such as moving from three-person boards to one-person boards to deal with cases. In appropriate cases, they're also using a paper hearing procedure rather than having an oral hearing on the issues, when it's an appropriate case where that can be done. Those are some of the measures.

Mr Murdoch: You'll be vice-chair. Would you have any ideas of your own that you'd like to see, just to hurry the system up?

Ms Aikman-Springer: I think it's a bit early for me to be formulating those kinds of plans. As I said, SARB has a number of measures in place. They're attempting to deal with the situation. I'll do my best too.

Mr Murdoch: One thing I'd like your thoughts on is that a lot of family and social services have people do job searches. Do you have any problems with them enforcing

that rule, where people have to go out and search for jobs? I have people come to my office, and they'll tell me that they did search for a job but they didn't do their job search properly so they've been cut off. Of course, then they'll appeal to you people. Do you have any thoughts on this job search process? Some of the complaints will be, "I live out of town and I have no way of getting to town to search for a job; of course we don't have a phone, because we can't afford it," and things like that. Do you have any thoughts on that process?

Ms Aikman-Springer: As I said, policy matters are not matters that I expect to have input into as a board member. I think enforcement of the job search is something that is a policy of the municipality and it's something they deal with.

1510

Mr Marchese: I have two questions. From your experience, do you get the sense that boards, agencies and commissions, crown agencies in general, are under-represented when it comes to racial and other linguistic groups?

Ms Aikman-Springer: As I'm just starting on the board, I can't say. I don't have enough knowledge to be able to answer that question.

Mr Marchese: Then I'll make it a statement. For a long, long time, people of colour and other linguistic groups have been underrepresented. That's a fact. We are trying to change that because we feel that Ontario is a different province made up of many linguistic groups that have come over the last many, many years. To represent people well, so that we reflect the different experiences that are here, it is my view that we should have different people on these boards, agencies and commissions. I thought I'd make it into a statement. It wasn't really a political question, but I think from your own experiences you would see that.

Quite apart from that, Mr Bradley makes the point—not he, but he has heard others make this point. I am particularly perturbed by it and I'm not sure whether you are. When people say we're hiring black people all of a sudden, or other people, linguistic groups, for some strange reason, in hiring them we would think they would be biased towards black people; that is to say, if a black person comes in front of you with an appeal, because you are black somehow you would discriminate on their behalf. I don't see that happening, but doesn't it rile you that for some reason people might assume that because you're black, you might either be more sympathetic or that you would be biased or that you would change the criteria somehow to fit black people? Doesn't it bother you?

Ms Aikman-Springer: I think boards and agencies in the province should reflect the makeup of the population of the province and that there should be the kind of diversity that we see in the population of Ontario today. I don't think the fact that one is from a particular ethnic background should have any impact on the kind of decision-making you engage in.

Mr Bradley: On a point of privilege: Are you attributing that to me?

Mr Marchese: No. I made very clear that others have said this to you.

Mr Bradley: No. It had nothing to do with colour. It had everything to do with advocacy. People are concerned that the government places people who have advocated in the past for those who would appear before the board, that they would be biased towards those who would appear before the board. It had nothing at all remotely to do in any way, shape or form with colour.

The Vice-Chair: Carry on, Mr Marchese.

Mr Marchese: I attributed nothing to you, but rather what I thought others said to you.

Mr Bradley: Nobody's even said that to me.

Mr Marchese: That's fine, that's good. I'm glad Mr Bradley made that clarification. But it does bother me to think that when we put people in certain positions, because of their colour or ethnicity somehow they would make different judgements as they relate to their own.

I was thinking about this because it brought to mind some other experiences. A housing project came up somewhere that had been recommended by the Chinese community. They wanted one housing project in one area, and another Chinese group in Scarborough wanted another Chinese project to fit Chinese people in their housing project. They were told by the bureaucracy at the time, for some reason, that the two Chinese communities should get together and decide where they wanted it, as if somehow all Chinese people live in the same area and needed to decide to put it in one spot so they all get to it.

We wouldn't ask that of other communities. We wouldn't ask Anglo communities, for example, from Scarborough and Toronto to get together to decide where they'd want it, but we would ask that of the two different communities. I link it because sometimes these things create a problem in terms of our perceptions about how we treat ethnic and racial communities. I just wanted to make that comment.

The Vice-Chair: No further questions? There being no further questions, we want to thank you very much for appearing before the committee today. We wish you well.

Could we now determine whether the committee concurs with the intended appointments we have reviewed today.

Mr Marchese: I move concurrence, Mr Chair.

The Vice-Chair: Mr Marchese moves concurrence. Shall we deal with that at the present time, if everybody is happy? All in favour? Opposed, if any? That motion is carried.

There being no further business, this committee will adjourn until about November 2, 1994. I'm sorry; that's when I'm going to be back on the committee. Next week you will be adjourning to Cornwall, and I wish those who are going all the best in their deliberations, because it's a very important aspect of the St Lawrence Parks Commission that you're reviewing. Thank you. The committee is adjourned.

The committee adjourned at 1516.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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- *Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Substitutions present/ Membres remplaçants présents:

Fletcher, Derek (Guelph ND) for Mr Ferguson
Marchese, Rosario (Fort York ND) for Mr Waters
Murdoch, Bill (Grey-Owen Sound PC) for Mrs Marland

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Yeager, Lewis, research officer, Legislative Research Service

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Wednesday 12 October 1994

Journal des débats (Hansard)

Mercredi 12 octobre 1994

Standing committee on
government agencies

Comité permanent des
organismes gouvernementaux

St Lawrence Parks Commission

Commission des parcs
du Saint-Laurent

Chair: Margaret Marland
Clerk: Lynn Mellor

Présidente : Margaret Marland
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 12 October 1994

Mercredi 12 octobre 1994

The committee met at 0932 in the Best Western Parkway Inn, Cornwall, Ontario, following a closed session.

ST LAWRENCE PARKS COMMISSION

The Chair (Mrs Margaret Marland): Good morning. I would like to call this meeting of the standing committee on government agencies to order. We are going to begin our agency review of the St Lawrence Parks Commission. We would like to welcome to the meeting this morning our first two deputants, Mr Gary Clarke, the chair of the St Lawrence Parks Commission—good morning, Mr Clarke—

Mr Gary Clarke: Good morning.

The Chair: —and Mr Frank Shaw, the general manager of the St Lawrence Parks Commission. Good morning, Mr Shaw. Could you give us some idea how long your initial presentation is, because I know that all members of the committee are very anxious to be able to ask questions. They've had a very comprehensive package which they have received from our researcher, who has done some excellent background work in preparation for this hearing. We've also just had a verbal overview briefing from our researcher, Dr Pond, so can you give us some idea?

Mr Clarke: I'll try to keep the presentation to half an hour at the most and allow lots of time for questions. We are looking forward to being able to respond to questions.

The Chair: Okay, that's excellent. You do have two hours. It's just that members were interested to know that you not take up the two hours with your presentation.

Mr Clarke: No, most definitely not.

The Chair: Obviously, in response to questions you'll have lots of opportunity to enlarge on certain areas, so if you'd like to proceed, Mr Clarke, thank you.

Mr Clarke: Good morning, Madam Chairman, members of the committee and guests. It's with real pleasure that we meet with you to discuss the work of the commission. I must say I enjoyed the opportunity of touring eastern Ontario with you yesterday and seeing all of the individual pearls in this wonderful string of pearls that we have that functions overall as the St Lawrence Parks Commission.

I thought that just to refresh memories it might be interesting to refer to a map, and I'll do so very briefly. I know we're going to have a hard time seeing the map, so you'll have to take it on trust that what I'm going to show you is a map of the waterfront of Ontario, basically from Hamilton at the west end to the Quebec border at the east end.

If I take this map and fold it in half, a little conjuror's trick here, it disappears of course. But open it up, and halfway on the map is Adolphustown. Adolphustown is the start of the St Lawrence Parks Commission's area of responsibility. Basically half of the waterfront from Hamilton to the Quebec border falls under the mandate, the area of responsibility of the St Lawrence Parks Commission, so it's a huge territory in eastern Ontario for which we're responsible. I think it's very important to bear that in mind as we talk about some of our challenges.

Today we'd like to review with you some of the initiatives taken by the commission in the past seven years to improve our contribution to the Ontario tourism industry and the economy of the province and to respond to the new economic realities.

As you know, I'm sure, the commission was established as an agency of the Ontario government by legislation on March 31, 1955. What you may not know is that the original name of the commission was the Ontario St Lawrence Development Commission, and I stress the word "development." We were an economic development agency in the original concept, not a land trust.

The commission owns approximately 10,000 acres of land along the St Lawrence River, stretching across 280 kilometres, or 168 miles, and eight counties, from the Bay of Quinte to the Quebec border.

The parks include a wide range of facilities: two major attractions, Fort Henry and Upper Canada Village; 12 parks and campgrounds; two parkways, the St Lawrence Parkway and Long Sault Parkway; a golf course; a bird sanctuary; a marina; restaurants; gift shops; historical memorial gardens; scenic lookouts and, of course, bikeways. By virtue of the number of visitors attracted each year to the commission's facilities, we play a major role in tourism and related economic activities in Ontario east. In fact, we are unquestionably the largest tourism attraction in eastern Ontario.

A great deal of change has occurred since the commission last appeared before this committee in 1988. Not only has the commission been a full participant in implementing government initiatives such as employment equity and multi-year expenditure reduction, it has responded to the ever-changing and dynamic nature of the tourism industry by continuing to attract large numbers of visitors to its attractions each year.

In spite of difficult times in the tourism industry over the past few years, the commission has maintained revenue levels and in the past year managed to increase

its revenues by 9%. Current trends for 1994 and 1995 suggest that we will continue to improve the rate of revenue generation. I'm sure some of our individual managers, in their presentations, will refer to specifics there.

Over the past seven years—in fact, it's really over the past five years—we have increased our self-sufficiency from a low of 29% to a high of 40% projected for 1994-95. I'd like to reiterate, we've gone from 29% to 40% over the past five years. That is a 38% improvement in our rate of self-sufficiency through a period that includes the worst recession in recent memory and a period when we underwent cumulative restraints of \$15.4 million. That's incredible productivity for any government agency and I am very proud of the performance of our management in that respect.

0940

Since our last meeting and in response to the changing environment of the 1990s, the commission developed Vision 2000, a 10-year statement of strategic direction based on a consensus of key principles, values and beliefs. The commission has used this direction to guide its corporate planning, budgeting and tourism development. Vision 2000 noted that the commission will research and build upon its strengths and expand in areas where it can provide the greatest tourism and economic benefits. In addition, it suggested that the commission divest itself of programs which no longer contribute efficiently to tourism or which could effectively be delivered by other agencies or the private sector.

The initial corporate plan for 1990 to 1993 derived from Vision 2000 resulted in many achievements. Program innovation, visitor services, partnerships and marketing have improved the tourism product and economic impact in spite of significant budget constraints. I mentioned earlier that the cumulative effect of those constraints was \$15.4 million.

At the same time, the commission embarked on an active program of capital revitalization to upgrade 30-or-more-year-old facilities—you'll recall we started back in 1955, so some of our facilities are in fact up to 40 years old—to revitalize those facilities and to meet new customer expectations. So we've been an active and efficient partner in deficit reduction but at the same time continued to build and renovate assets to build for a successful future. It's a challenge to weigh continuously those two goals.

The most recent corporate plan for 1992 to 1995 updated commission strategies and initiatives to reflect changing times and government directions through a renewed mission of focused excellence in attraction quality, in customer service and economic investment in eastern Ontario. It describes new initiatives and projects in tourism development, program renewal, strategic partnerships, capital investment and revenue generation which are directed to improve the commission's economic impact on the eastern Ontario tourism industry.

New emphasis was placed on three key strategies: first of all, that product development be market-driven, be a response to the needs of the marketplace; we stressed tourism partnerships in the public and private sector; and

finally, agency-empowered financial management. I had to ask Frank what "agency-empowered financial management" was, and effectively what we mean is that we've moved to revenue retention status. We're able to keep what we earn.

Considerable progress has been made on our strategic directions and corporate initiatives, as evidenced by our attraction programs and in annual reports to the minister. Recent amendments to the St Lawrence Parks Commission Act have provided us with the authority to retain revenues and set our own fees. The commission began revenue retention operations on April 1, 1994, and these are discussed later in this presentation. We'd be happy to entertain questions on the subject of revenue retention and what are the implications for us and some of the challenges that we face.

Program restructuring: In the course of implementing our corporate priorities, the commission has absorbed significant operating budget reductions in the past five years, and again I'd reiterate that this was \$15.4 million cumulatively. What that doesn't say, however, is the timing that we face occasionally with some of these budget reductions. For example, \$1 million in constraint for the Ontario expenditure control plan was cut from our 1993-94 budget only a few weeks before the Victoria Day weekend opening. So you can imagine, a couple of weeks prior to opening our operating season, suddenly we're faced with a \$1-million budget constraint. The kinds of machinations that management and staff have had to undergo to meet those kinds of constraint on very short notice cause all sorts of disruptions, but none the less, they were met.

The commission has had to make many difficult choices and permanent reductions to its operations. For example, since the 1989-90 operating season, the operating seasons at Upper Canada Village and Fort Henry were reduced, pro shop services at the Upper Canada golf course were contracted out, our sugar bush operations were eliminated, winter retail operations were reduced.

Following intensive analysis of cost, visitation and revenues, Fairfield House, Gutzeit House, Battlefield Memorial Visitors Centre, Adolphustown Park, Brown's Bay campsite, Grenville Park, Farran Park, Lakeview Park, Charlottenburgh Park and Raisin River campsite were closed to meet constraint targets. Evening performances by the Fort Henry Guard, the so-called sunset ceremonies, were gradually eliminated, along with commission funding for the biennial performance of the guard in Washington with the US Marine Corps. This year's performance in Washington was really only made possible through the volunteer effort of the Fort Henry Guard, backed by fund-raising efforts by the Fort Henry Guard Alumni Association and the ministry.

The commission has introduced many efficiency measures to reduce costs. Landscaping and grounds maintenance programs have been reduced in such a manner as to maintain aesthetic views for the travelling public while reducing costs substantially. Yes, friends, we don't cut the grass everywhere, but we happen to think it looks just fine and that it's more environmentally responsible in many areas not to be cutting the grass.

In addition, the restructuring of all divisions within the commission has resulted in a delayed organization with fewer reporting levels and reduced supervisory overhead. Administrative savings have also been made to ensure that administrative support is appropriate for the level of operations that we have now. At the same time, new visitor services, historical animation, family activities and special events have been introduced throughout commission operations to enhance visitor enjoyment, stimulate attendance and increase revenue generation. From the numbers that will be presented to you today, you will see that those efforts are working. Attendance is up in most cases, revenues are up everywhere, so the efforts are producing results.

Attraction closure, program restructuring and efficiency measures have resulted in staff reduction and related anxiety about job security, as can only be expected. Our total workforce at the peak of 725 in the 1987-88 season has diminished by 144 and our budget forecast for 1994-95 is 581 positions. When two thirds of your operating budget is salaries, naturally jobs are going to be affected. You can have no other anticipation. If we cut \$15.4 million and two thirds of our budget is salaries, jobs are going to be affected.

0950

We've worked hard to place surplus classified staff and non-recalled seasonal employees in other vacant positions and we've had a 90% or better success rate in those placements. Our remaining staff resources are stretched to the limit more than ever in delivering new programs and core services. Local communities and our tourism partners have also expressed strong concerns about parks closures and reductions in our tourism operations—our programming. But we've worked cooperatively with local councils and associations to seek other avenues for tourism on commission lands.

In making budget decisions affecting attractions, the commission has very carefully selected program changes which maintained core season tourism operations from Victoria Day to Thanksgiving weekend and modified shoulder season programs to reduce overhead and/or improve revenues. We're also pleased to report that some of the closed parks have been able to reopen under agreements and leases with community groups, municipalities and the private sector. These partnerships have had excellent results, and the financial return to the commission from Grenville Park, for example, has been excellent. The commission would like to pursue more long-term leasing with the private sector to make effective use of lands and facilities not directly operated by the commission.

I know there has been lots of focus on closed parks, but I would remind you that the commission owns 10,000 acres of land. So the issue for us is not simply one of leasing parks that may be closed; it's also an issue of what we do with lands that we hold in an unproductive state that are not environmentally sensitive; areas that aren't marshland, for example, what is our capacity to put those into some form of productive use?

Discussions have continued with the ministry related to our interest in leasing in particular Charlottenburgh and

Raisin River parks through a public request for proposals and renewal of the long-term lease for Grenville Park. We believe that we're very close to a resolution on these particular parks.

Customer service: To be successful in a highly competitive tourism market—and I'd stress again a highly competitive tourism market—we don't compete any more with a private campground operator 10 miles down the road. We are competing internationally with tourism attractions and tourism regions all around the world. We saw yesterday, when we stopped in Rockport, busloads of Japanese tourists, and those Japanese tourists have a choice of thousands of tourism destinations around the world. So we must meet the changing needs of visitors, not only locally but on a world scale. We know that a satisfied customer is often our best source of advertising and return business. All program delivery is focused on quality, service and value in a unique environment.

Our pledge to customers, "Your satisfaction is our business," is posted throughout our attractions. Customer service is an integral part of staff training programs. Customer service manuals are updated annually to support commission information centres. Comment cards and other sources of customer feedback are used to evaluate and improve attraction operations. We continually monitor tourism trends as part of our market research.

There's a section that I want to refer to particularly, and that is one on environmental protection. The St Lawrence Parks Commission has been the first agency in Ontario to adopt the national tourism industry standards for environmentally sustainable tourism—the first agency in the province of Ontario. We've taken a proactive leadership position that our commission would like to have guide our development and operational policies for the future. The natural and heritage environments are our most important assets in the creation of a successful tourism industry in eastern Ontario.

I'd like to stress, beyond that, that in addition to the codes of ethics—and Frank has already passed them around—our board of commissioners itself has now several of the leading environmentalists in eastern Ontario represented on our commission, as commissioners, to ensure that these environmental policies will be respected. So it's not only been a case of adapting codes of ethics. We've put the watchdogs in place to be sure that future actions are in accordance with the codes of ethics that have been adopted.

Target marketing: Since 1990, significant efforts have been directed towards target markets by developing comprehensive annual marketing plans for the commission. Our new corporate identity, Parks of the St Lawrence, has been implemented throughout the commission as the cornerstone for all marketing and communications activity. We've focused resources on strategic actions to reach target markets.

To maximize our marketing efforts, the commission has also initiated and participated in many partnership marketing projects. For example, cooperative advertising with the Eastern Ontario Travel Association, with the ministry, with Tourism Canada and with other regional tourism partners on special campaigns has stretched our

marketing reach within very limited budgets. We have sustained our marketing budget in spite of constraint and this has helped us attract visitors and maintain revenues in difficult economic times.

Let me talk then briefly about economic impact. Outside of the national capital area, the Ottawa-Hull region, the commission presents the largest tourist attraction area in eastern Ontario. As was recommended by the standing commission on public accounts, an economic impact study was completed by the ministry in 1991. Four commission attractions—Fort Henry, Upper Canada Village, Long Sault Parkway and Riverside-Cedar campsite—were surveyed. The study found that these commission attractions stimulated \$32 million in direct expenditures, generated for the province \$15 million in tax revenue and created 1,000 person-years of employment in the area. Overall, sales volume derived from commission activity was estimated at over \$79 million per annum; and by adding on attractions that hadn't been surveyed, the economic impact could be estimated to be as much as \$100 million per year.

When you think of it, if we're now 40% self-sufficient, that would mean that with a net investment by the province of \$8 million annually, there's an annual benefit of \$100 million. If you consider the tax revenues on \$100 million of economic activity, the St Lawrence Parks Commission is self-sustaining right now. It's got to be one of the best investments the province is making.

The commission has also worked very hard to increase the value provided for the entertainment dollar for all visitors to our facilities. For example, our campgrounds now have regularly scheduled activities for children and families, a special children's "Muster" parade takes place daily at Fort Henry and the children's activity centre at Upper Canada Village provides children with the opportunity to sample period games and crafts. As such, we believe the Parks of the St Lawrence is a good investment for tourists and an excellent investment for government in Ontario tourism and economic renewal.

1000

Capital revitalization: You've seen from the map the extent of our lands and responsibilities. The vast array of commission attractions and facilities requires a large capital infrastructure, for example, roads, buildings and utilities. The commission has developed a capital investment strategy to repair and replace 30- to 40-year-old facilities to meet health and safety requirements, to support new services for customers and to enhance revenue generation. Each year the commission tries to secure at least \$2.5 million in capital funding to proceed with its capital priorities, and since the 1987-88 year we've invested about \$18 million on capital renewal over that period. At the same time, the commission often applies for special funding under new programs such as the Jobs Ontario Capital fund.

Through the Jobs Ontario Capital and the anti-recession programs, the commission obtained funding to complete projects such as the revitalization of Chrysler Park marina, which you saw yesterday, for upgrades to Upper Canada Village and Fort Henry, for the sewage project that you saw under way yesterday and the con-

struction of the Village Café at Upper Canada Village. These projects were completed with 100% of the funding coming from the province. Total expenditures between 1991-92 and 1993-94 on these projects were over \$3 million, creating approximately 43 person-years of direct construction employment in the midst of the recession.

It's important to note that additional projects carried out with regular capital funding over the same time period by the commission created a further 55 person-years of direct construction employment. Capital investments were made to maintain historic buildings—and you know what the cost of maintaining historic buildings is these days; I own a couple of them and it's a very expensive business—to install utilities, to overhaul park washrooms, upgrade campsites, provide sports equipment, add picnic shelters, install exhibits, upgrade food services, improve entrance facilities, and install visitor amenities, for example, for disabled persons.

These improvements have also contributed greatly to the quality of our attractions and visitor enjoyment. Where possible, we work with local municipalities and other agencies on joint capital initiatives to stimulate tourism development. One such venture is our current effort to extend the St Lawrence bikeway from Cornwall to Morrisburg as a priority project within the eastern Ontario trails network, and the opportunities for the trails network extend well beyond this bikeway simply from Cornwall to Morrisburg.

Revenue retention, our favourite subject, is perhaps the single most significant event since the commission last appeared before the committee and probably since we were formed in 1955. An amendment was passed last year to our legislation enabling us to retain revenues and set our own fees. To clarify the new operating relationship, a letter of agreement was signed by the ministry and the commission to amend a previous memorandum of understanding in terms of the financial, human resources and administrative authority to implement revenue retention. The new financial management system began on April 1, 1994, and the commission officially became then a transfer payment agency.

I suggest to you that one of our goals, and my goal as a chairman, is to see a new memorandum of understanding in place before the start of our next fiscal year. It's not sufficient for us to simply operate on a letter of agreement. It has to be more formal than that.

Instead of receiving a full expenditure allocation and returning all revenues to the Minister of Finance, the commission is provided now with an annual transfer payment to offset our net operating costs. This change in status releases the commission from a number of operating constraints which have been identified in previous years, such as the difficulties associated with replenishing retail inventory levels during high sales years, such as the timely approval of fees to meet ongoing changes in the marketplace, and will provide the mechanisms for the commission to achieve more self-sufficiency. As part of long-term business planning exercise, which is, by the way, under way right now—one of the sessions was held yesterday at the guest house at Upper Canada Village while we were on tour—the commission will be identify-

ing through this process how we will work towards a goal of self-sufficiency over the course of the next 20 years.

I should point out to you that the goal of self-sufficiency over the next 20 years is one that has been imposed by the commissioners themselves. It is not a goal that has been imposed by government. This is our objective, which has been endorsed by government.

Future outlook: Looking ahead for the ingredients to success over the next 20 years, the commission is, with the ministry's support, embarking upon a long-term business planning process. The process is considering market opportunities, product development, the issues of land stewardship, corporate sponsorship, tourism partnerships, community investment and financial management. In the next few months the commission, with the assistance of a consultant acting as a facilitator, will be conducting workshops and consultations to develop a new vision and strategic directions to guide more detailed business planning and project implementation.

We anticipate that the new vision and resulting strategy will be market-driven and focus on the best bets for the commission to increase self-sufficiency. An important component of this strategy will be the development of strategic alliances and partnerships to ensure the enhancement of eastern Ontario's tourism destination appeal.

Those partnerships are not limited to the province or to Canada, but span our international border and include discussions with US partners in the Thousand Islands region and in the Seaway valley region. The stakeholder consultation process, that is, our consultation with tourism partners, with community groups, industry advisers, municipalities, commissioners and staff, will make an important contribution to the business planning process.

Unlike planning activities that took place 10 or 15 years ago, we're planning our future in partnership with the industry that surrounds us, and that's a very different process from the past, where wonderful plans and schemes were arrived at, dumped on the table and then people saw those projects as competition and not as a process of working together. So the process has changed.

Increased self-sufficiency will depend on our ability to invest increased revenues in new business development prior to future transfer payment reduction. It will also depend on the commission's ability to enter into long-term lease agreements with the private sector to develop and operate many new revenue-producing attractions on commission lands and to join with our many tourism partners in marketing the Parks of the St Lawrence and eastern Ontario. We'll also need to determine the future level of transfer payments to sustain provincial infrastructure that cannot generate substantive revenues.

For example, we hold and have mandated responsibility for things like historic monuments, Crysler Park, Queen Elizabeth Gardens, the Thousand Island Parkway and collections, extensive collections, of heritage material that derive no revenue whatsoever. This is a responsibility that derives us no revenue. We're not backing away from that responsibility, we're happy to continue with it, but there will have to be support derived from some area in order for us to maintain those items.

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Without a doubt the 1990s have been challenging times for us. The commission has experienced more dramatic change in the last few years than in our first 35. We've revitalized facilities and streamlined overhead, built new partnerships and restructured programs and strengthened marketing and increased revenues. We've emphasized customer service, a quality experience and good value for money to the best of our abilities.

We believe that our historical attractions and recreational facilities, targeted marketing, tourism partnerships and visitor services have positioned the Parks of the St Lawrence as a gateway destination and strong contributor to the eastern Ontario tourism economy. I'd stress again: gateway. We as well as Niagara are a gateway to the province of Ontario. The recent move to revenue retention and a more businesslike operation is welcomed by the commission as a source of renewed vigour. As the commission proceeds to set new vision and directions, increased self-sufficiency is our goal. We will build on success and seek out new venues in creating our future.

On behalf of our employees, the residents and the tourism industry of eastern Ontario, we beg you to provide us with the freedom to innovate, to make business deals, to encourage environmentally sustainable economic development, to be an active partner in returning tourism in eastern Ontario to the position of world leadership we enjoyed 100 years ago. Please free us from unduly oppressive policies that force us to hold hundreds of acres of land inactive when they could be employed to create jobs in tourism and other industrial sectors. That, after all, was the mandate extended to us in 1955 when we were created as the Ontario St Lawrence Development Commission. We've built a winning team and have the numbers to prove it. Let us get on with the task.

Thank you for the opportunity to discuss some of the commission's initiatives and obvious achievements over the past five years. We'd be pleased to answer any questions you may have.

The Chair: Thank you, Mr Clarke. We have 25 minutes per caucus remaining, so I'm going to suggest we do 15-minute rotations, if that suits you, and then 10-minute. Is that agreeable? All right. We'll start with the Liberal Caucus and it's Mr Cleary.

Mr John C. Cleary (Cornwall): I would like to welcome everyone here to Cornwall to the committee. I guess my goal, and it always has been, is to make the St Lawrence Parks Commission better than it is now and attract more visitors to our area. I think that was the intention when it was set up. I was born right here in the heart of the St Lawrence parks area, and I can remember when I was a kid going to Sheek's Island and we saw a stick up in a tree and that was where the mark was supposed to go when the Seaway went through, and that happened. Anyway, I have a number of things that I'm very, very concerned about, and I'm not going to let them rest till it happens.

I know the St Lawrence Parks Commission is a big area. It takes in lots of area. I've toured it many times. I'm impressed with what I see in some areas. In other areas I'm very disappointed, really disappointed. The St

Lawrence Parks Commission said it's not to blame, the union says it's not to blame, the government says it's not to blame, and we're just getting a runaround and these closed parks. Believe me, the ones in my area I think are a disgrace, and what happens there, especially when we have private investors wanting to spend their money to come in and do something with those parks, is they're getting the runaround.

We talk about partnerships, and I totally agree. The only way we're going to get around this mess is partnerships with private investors. But we're not getting to first base in any of it. For the last four or five years, nothing has been happening, and I know we've lost some good private investors. They've got discouraged, they've put their money somewhere else, because they can't seem to crack the wall, whoever's to blame. I know many people approached me about leasing land from the parks commission, for a number of reasons, but in their inquiries they've got nowhere. I'm not sure who to blame, but somebody's to blame.

The bicycle path: I think it's an excellent idea. I was reeve and our council initiated the bicycle path in Cornwall township. We had numerous trips to Toronto to get all the agreements in place, and it was finally kicked off in 1984 with federal government money to clear the path. It's extremely popular in this area. There have been three sections of it opened. The first was probably in 1987 or 1988 and the other two were afterwards.

As you know, in this area there's a lot of discontent of people who live along the waterway that the brush continues to grow and they cannot see the water any more. A perfect example of it is just west of here in Osnabrock township, where five or six people were complaining bitterly at me about the brush growing. They live north of Highway 2, and they finally got an agreement to cut the brush so they could see the water. That cost them \$25, to cut the brush on the parks commission land, and what they call that is a vegetation control permit. That was \$25 for the group. Now I have in front of me, June 1, 1994, it's going to be that partnership of four or five or six people, and they're each going to have to pay \$25 now to cut the brush in front of their place. That's the amount of the invoices here, \$23.36 each plus \$1.64 GST.

You know, if you had been up there, which I went to see, probably in 1989 or 1988, they improved the parks commission. Now, I think things like that maybe should be given a second look at when you figure the high administration costs, the stamps and all the costs. I know the parks commission has to be protected for insurance purposes, but if people want to improve the area, I think that should be taken into consideration.

Madam Chairman, are my responses back included in my 15 minutes?

The Chair: Yes, I'm afraid so.

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Mr Cleary: Oh. Well, I'm going to say a couple of other things then.

The Chair: You've used six minutes.

Mr Cleary: The other thing that some of the municipi-

pal people really complained bitterly to me about was when a bunch of the commission's buildings were torched recently and they didn't know anything about it.

Maybe I'm just going to leave it at that, and then I'll come back after I get some responses.

The Chair: Mr Clarke?

Mr Clarke: You've raised quite a number of issues.

Mr Cleary: I'm sorry if I raised so many.

Mr Clarke: No, no. Obviously, there are a number of issues. I think in my presentation I referred to the issue of the two parks in particular. You're raising three fingers. We expect to be in a position shortly to be able to deal with that issue. There are a couple of rather minor details that are being discussed between ourselves and the ministry at the moment. The majority of issues have been resolved, and it's our sincere hope that we'll be able to put out a call for proposals in the very near future.

That does not address the broader issue, and I raised that as well. We have extensive lands that go well beyond any closed parks. The challenge will be how to deal with those. I don't think the answer is to simply on a wholesale basis open up all our lands for proposals. It seems to me that as a responsible land owner, what we have to do is come up with a master plan, and part of what that master plan has to do is to show which lands are developable lands, with very low, next to no environmental risk, and which are the environmentally sensitive lands that have to be preserved and protected.

Obviously, as a responsible land owner and as people with an environmental responsibility, we're not about to advocate filling in and developing marshlands or creating high-rise apartment towers in scenic areas. That's not the kind of thing we're going to advocate. But I think we do have to have a better impression of where development can be sustained, where it can make an economic contribution, where jobs can be created, and simply throwing everything wide open before that plan is in place is probably not responsible. There have been missed opportunities, unquestionably, but let's hope we can put that behind us and move forward in a very progressive way with a dynamic plan for development and job creation and a dynamic plan for protection and preservation of the environment.

You've raised issues related to bicycle paths, and I must say that happens to be a personal priority of mine and one that we're actively working on with the ministry. Cycling in those areas where we've been able to promote it over the course of the last year has increased. For example, on the St Lawrence Parkway, Brockville to Gananoque, we've seen increases of 400%. I think at the eastern end there are vital links in the cycling network that have to be completed. We would foresee in the long term that the bicycle network will extend from the Quebec border west and connect with the Loyalist Parkway, and it's obvious that the Loyalist Parkway sooner or later is going to connect with the waterfront trail, which will take us west to Hamilton and Burlington. So we own some of the key elements of land in completing that network through eastern Ontario, and we will pursue that actively, I can assure you.

We've talked about the issue of vegetation and control. You can imagine, with 150 miles of waterfront, that it's an ongoing issue with us. In a lot of cases, as we reduce and cut back, we have to react on a local basis to local problems where it's pointed out by property owners. We simply don't have the resources, nor, quite frankly, do we think it's environmentally responsible to simply be clearing all vegetation on waterfront land. In fact, there's a lot of scientific thought that suggests that waterfront vegetation shouldn't be touched at all.

Now, obviously, we have to achieve a balance between responsible environmental behaviour and providing viewpoints, because obviously views of the islands and the river are important in certain locations. So it's again a challenge of sustaining the environment and providing for public enjoyment, and I can assure you that every parks organization in the world is constantly weighing those two problems. If there are particular issues related to permits or individuals, that's something I think Frank can address. If the problems are pointed out with management, those issues can be dealt with.

The Chair: Two and a half minutes left. In fairness, I'm just advising Mr Cleary of his time.

Mr Cleary: Okay. I didn't get the answer that I was looking for, but—

Mr Gary Wilson (Kingston and The Islands): Did you have a question?

Interjection: Dan's back.

Mr Cleary: No, we don't have it. We've been talking to Dan for four years. Everybody seems to be in agreement with opening these parks, and you say that you're getting something ironed out now. When is that going to be? How soon is that going to be? Is that going to be next year, or two years, or when's that going to happen?

Mr Clarke: I think when we have the direction from the government to proceed, we will proceed.

Mr Cleary: I have a paper here with me that there was a directive from cabinet that nothing was going to happen in 1992. Is that still the case? Should we get on with something else? After four or five years, we kind of get sick of rehearsing the same old subject. Everybody is after us. We get calls. We're wasting a lot of time in our office. Union people, everybody is supporting it, so what's going on?

Mr Clarke: The direction is there in principle that we will be able to deal with the situation and it's our belief that we'll be in a position to call for proposals for operation for next summer.

Mr Cleary: For next summer. Would that go out this fall?

Mr Clarke: That's our hope.

Mr Cleary: Okay, then I want to get around to leasing land too. I want to get that pinned down, the direction, who people should go to. This land would be for recreational purposes mostly. The way it is now, land is just growing up in weeds, and if you're lucky it gets knocked off once a year with some kind of flail mower. And the other thing: For recreational purposes, what's it's going to cost a service club or a recreation facility to lease that? It's not being used now.

Mr Clarke: We would have to be provided with the authority to enter into long-term leases before we can discuss seriously with anyone. The commission currently does not have that authority. Someone who is going to undertake significant real estate development is going to have to take out 25-year mortgages, and you're not going to take out a 25-year mortgage and be faced with a five-year lease. It's ridiculous. So what has to be done is that we have to be given a policy mandate by the government, and I suspect it's an issue that'll have to be discussed at the cabinet level, that long-term leases of land are something that an agency like us can deal with.

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It is no good for us to simply deal with a developer on the basis that this is authority that we may have. Someone's not going to enter into negotiations with us, spend two years, do environmental assessments, and then find out that it may or may not be possible. They want to know up front, "Have you the authority to deal with us or not?" I think that will require clarification.

Further, I think we as a commission have the responsibility of determining on 150 miles of waterfront what lands are available and what lands aren't, and I think that will require some discussion with government as well. There's no sense entertaining proposals on a piece of property and then finding out that it's a class 1 wetland. That needs to be more clearly established. I hope that answered it.

Mr Robert W. Runciman (Leeds-Grenville): Gary, I'm curious when you talk about development of this plan. I know you made some major changes in 1989, before you were on the commission, the closure of parks and Brown's Bay campground, for example. Now, here in the fall of 1994, you're talking about the development of this plan. I'm just curious: Why hasn't this occurred at a much earlier date? Has there simply been a lack of encouragement from the government or has it been an internal thing? What's happened?

Mr Clarke: I think the motivation has been the change in the financial status of the agency. Frankly, there wasn't a whole lot of motivation, without revenue retention, to move ahead, because any income that was derived from development simply went back to the provincial coffers. Now it's an issue of making the agency self-sufficient and, as well, playing our role, our development mandate, within eastern Ontario.

I think also maybe there's a greater openness to public-private sector cooperation than there may have been in the past. Let's face it, we have a tourism industry that's gone through some very tough times and people recognize now to a much greater extent the merits of cooperation. So I think it's all of those factors working together.

Mr Runciman: You mentioned earlier that you'd had a 9% revenue increase in this season just past. Did I hear that correctly?

Mr Clarke: In 1993-94, yes. You'll find that increase has been sustained even in this operating season as well, and perhaps in some cases well beyond that.

Mr Runciman: When you take a look at that 9%, is

there an inordinate amount coming from one or two specific locales, that you have major losers and major winners? How does it look across the board?

Mr Clarke: Last year was a wonderful season. You'd like to say that our marketing efforts have been responsible for all of it, but let's be honest and say the sun shone. So that means that parks that through a rainy season may have had poor attendance suddenly last year may have seen a 25% increase in attendance. That rate of increase wouldn't have been sustained between last year and this year, because weather conditions were about the same. Our increases this year would probably have been more due to increased revenues at both Fort Henry and Upper Canada Village. So it varies from year to year as to which are the major growth areas, depending on weather. We're a very weather-sensitive operation, as most tourism operations are.

Mr Runciman: The figure I have in the research paper is 1992-93, campground day use, 268,360. Do you have the figure for 1993-94, what happened in 1993-94 in campground day use?

Mr Clarke: We had about a 25% increase. I'm sorry, I can't give you the precise figure.

Mr Frank Shaw: Overall in our campgrounds and day use areas for the entire parks system, we had a 25% growth in both attendance and revenue last year averaged out across the entire parks, campsites, beach areas system.

Mr Runciman: I imagine you still can't be happy with that if you take a look at, say, 1988, 454,000 visitors versus four years down almost—close to a 200,000 drop in visitors.

Mr Clarke: Well, yes, that's true, but recognize that we're achieving those figures with substantially fewer campgrounds as well, so this is in spite of closures. So part of the overall decline is simply the fact that we have fewer operations.

Mr Runciman: I see. I'm just wondering, looking at that—I know that you've tried some different initiatives this summer. I know at Brown's Bay, for example, you had the reggae concert, and I think you had something down this way as well. How did they work out? My impression of the reggae concert was you must have lost your shirt on that, but how did they work out overall?

Mr Clarke: I would think that most special events take about a three-year period to move from the point where it's just a promotion to the point where they're earning money. That's been the pattern, for example, with the Celtic festival at Fort Henry, which started small and has built over three years to a very successful event. We trust that will be the pattern with the reggae festival, but you have to try. Time will tell. The events at some of the campgrounds and at Upper Canada Village have shown that same pattern of building attendance and eventual financial success.

Mr Runciman: I'm not being critical, but what did you lose on that particular event?

Mr Clarke: I can't tell you.

Mr Shaw: In the first one to two years of event establishment, we do budget for it as an investment; in other words, a cost. So I don't have the exact figures, but

it's not unusual to have to invest \$1,000 or \$2,000, sometimes \$3,000 or \$4,000, to get it going. But with our successful events, we're usually finding by the third year that we're either breaking even or starting to earn revenue from the events.

The other thing that's very important to remember with special events and themed programs on weekends is that it draws attention to the parks of St Lawrence. It allows us to use that event as a special attraction lure that brings people into the area who might not otherwise come, so it becomes a leader to your business.

Mr Runciman: I think it's a good idea and I encourage you to continue. The only comment I heard, when you're looking at eastern Ontario—I know you're perhaps drawing people into the area who are not locals, but the price seemed to deter a number of people from attending. I know you've also got the weather, which is out of your control, but certainly price I thought was something you might take a look at in terms of generating additional revenues if the entrance fee was a little bit lower and you operate the beer tents, the hot dog vending, whatever. I guess you're looking for hopefully at least 100% recovery. You're not looking for profit; it's to get people into these facilities but at least cover your costs.

I was curious about Fort Henry and the fact that you've reduced the season. Gary, you talked about looking at partnerships with the private sector in respect to some of the properties that aren't being utilized, but you wouldn't contemplate looking at partnerships in terms of major attractions like Fort Henry? Has that been ruled out in terms of your planning for the future?

Mr Clarke: No, it certainly hasn't been ruled out. I think in one of my more facetious moments I suggested that maybe we ought to lease Fort Henry to Garth Drabinsky, but I think to rule out a possibility like that would be foolish. It may very well be that we have to look at our sites as opportunity areas for entertainment, and whether it's historical entertainment or a rock concert, we have to look at the full gamut of possibilities. Fort Henry is an area, for example, where it is going to be very difficult to achieve financial self-sufficiency unless we get into the entertainment business in a fairly significant way. Banquets in the evenings, frankly, are not going to do it. It has to go into major events and activities.

Mr Runciman: I wouldn't consider the Garth Drabinsky remark facetious unless you're dealing with ideologically rigid individuals or groups.

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Mr Clarke: But we do. Understand that. Look at the problems we have had installing sewage facilities, for example, and the issues that have been raised with respect to archaeological concerns. So every time we make a move, we do have to address the extremes. It's a challenge.

Mr Runciman: Yes, I believe it.

A couple of things that I want to mention about the parkway, as I've got some time here. John Cleary mentioned clearing spaces. I guess, as I own a property on the parkway, there's a bit of a conflict here, but I'd

gladly pay \$25 to clear some of the vistas. I see the fact that you're not keeping these clean. I can understand the environmental concerns, but we're starting to have growth occur. In fact, in front of my property I've seen in the last two summers willow trees starting to grow which eventually are going to restrict the vista from my property. I'm sure a lot of people along there would be more than happy to pay \$25 if that's required, and clear out according to guidelines established by the commission that you can remove this tree, you can't touch that etc. So I think perhaps you might want to encourage that so you don't incur any cost and you still achieve what both you and the residents would like to see achieved.

Many years ago when Don Irvine was the chairman of the parks commission, I suggested when you come off the 401 at the eastern entrance to the Thousand Island Parkway, there's property owned I think by the commission—if not by the commission, by MOT—which would be a magnificent lookout of the Thousand Islands area compared with the one across the border in New York state, if you've seen that one, just a magnificent lookout. It would be an additional draw on to that parkway, I believe, and it's not something that's going to, I wouldn't believe anyway, incur a significant cost for development. I suggested that to Don and he thought it was a good idea but nothing ever happened. So I just want to place that thought before you.

Another magnificent vista along there, of course, Mr Chairman, and you and I have talked about this, is the one at Brown's Bay, which the Y day camp utilizes now, which is a commendable use but I don't see why they couldn't move down into the park area somewhere on all of the green space. If you're looking at getting the private sector involved in some kind of partnership, it seems to me that's the kind of site that might be very attractive to the private sector.

I'm wondering about the signage on the 401 into the Thousand Island Parkway. Are you happy with the signage? Do you have any concerns about it?

Mr Clarke: Can I change my hat? I'm now past chairman of the Eastern Ontario Travel Association. The Eastern Ontario Travel Association lobbied the former Minister of Culture, Tourism and Recreation to do a signage test program in eastern Ontario. We were very dissatisfied with the quality of tourism signage generally, be it on the 401 or some of the regional highways. One of the ministry priorities announced in the tourism strategy in the springtime was that this test would move ahead, and we're seeing the results of the local test on Highway 401 now.

One of my responsibilities as a member of the tourism industry is that I sit as the private sector signage representative for eastern Ontario. I sit on the signage committee that's reviewing the results of this test, and we're having regional meetings. There's one in Brockville next week, for example.

Some of the results that are coming in are very positive. The changes are interesting. The changes that have been made don't all work. There are some instances where we're going to have to modify the program, obviously, but overall I think the intent is very good.

Mr Runciman: Can I throw one in here just to get it on the record while we have the opportunity? If you're driving through the United States and you go through some of the major cities like Atlanta, for example, you have a bypass that takes you around the high-traffic areas in Atlanta or major cities. One of the things I've found just in the last summer, with my daughter operating this little business, is so many people stopping and looking for directions to get back on the 401: "Does this link on to the 401?" I think there's space there to have a large sign like they do in Atlanta and these others which shows that if you go on to the parkway, there's an easy linkage back to the 401 at Gananoque, or vice versa, so these people don't get on this and think, "Well, once we're here, how the hell do we get off?" There's a quick decision to make and there's an easy linkage. So we can simply go along the river, see what it offers, and then link up with the 401. So it's something you may want to consider as an addition to the signage that's currently there.

Mr Clarke: I assure you that having grown up in this region and having had experience with the tourism business that effectively went out of business because of the construction of Highway 401—Highway 401 made tourists bypass eastern Ontario. Restoring signage has been a long time coming, but none the less, here we are. So priorities to the development of good signage are very high in the tourism industry and they're very high priorities of mine.

Mr Gary Wilson: Thank you very much, Mr Clarke, for this stimulating presentation. It certainly is in keeping with that marvellous trip that we had yesterday along the Thousand Island Parkway and then on to Fort Henry.

When you talk about vistas, I think it's tough, really, to pick out the best ones. I think it's more, as you're suggesting, to focus on the fact that there are so many great vantage points along that route and that they have to be developed in a sensitive way. Certainly I think we're all pleased to hear your emphasis on the environmentally responsible development of the area to make sure these areas are protected.

I'd like to just focus my question on the area in my riding, of course, Fort Henry, although I see Mr Robertson is going to be here soon and we can have a more thorough discussion then. But you said that you look for some major events standing out there, entertainment events, I think you called them.

I would agree with you that there have to be a variety of things done to enhance the viability of the fort, but just thinking along that area that we could use, I'm thinking here of Fairfield House and what you might have in mind for that. At the moment I understand it's partly in partnership with a volunteer group and the township of Ernestown to keep it going. Do you see it as being developed in the future, which would offer another site in that area that could be used in conjunction with, say, Fort Henry, again thinking of the bicycle trails, for instance, that you're trying to develop? That would be an easy bicycling route and very attractive, with a lot of variety between those two points.

Mr Clarke: I think the Loyalist Parkway is a major

opportunity area. I don't think all of the answers are there yet. I don't think the Loyalist Parkway people themselves have come to grips yet with perhaps all of the issues and all of the opportunities. We have suggested to them that they tell us what they think the key role for some of our historic properties would be in their long-term plans for the parkway. Is it important that they be tourist information centres? Is it important rather that they be an operation of a tearoom, or might they be a historic inn? What role do they want them to play in the longer term?

We don't want to dictate that position. We're waiting for that kind of feedback. Obviously, it's going to be achieved again by some new form of partnership. The financial resources are going to have to come from others than ourselves. We simply don't have the resources, but we are open to ideas and proposals that may again be backed by longer-term leases, but we're open to those kinds of discussions.

Mr Gary Wilson: And do you think you're in a position to provide the data for other groups to know what they would be committing themselves to?

Mr Clarke: Data in the sense of market opportunities to some extent we can support. The ministry I'm sure can assist in supporting us there with market data and what the market is looking for. Again, I think it's an issue of us being provided with the authority to enter into the long-term kinds of leases that some of these groups will need in order to make the level of investment required to restore the properties fully and put them in full operation.

Mr Gary Wilson: Just on that, are you aware of other jurisdictions where this partnership that you're suggesting, the long-term leases, exists and just what some of the conditions might be or how it's working out, partnerships between public sector groups and the private sector?

Mr Clarke: I think the Ministry of Natural Resources would be a good source of information on longer-term leases. If you think we have problems and challenges, there are a substantial number of provincial parks operated by MNR where they're running through the same considerations. I think we should look to them for some guidance.

I think there are hundreds of private sector examples all over the place where lease with very tight development controls has been a successful method of moving ahead. The thing that I'd point out is that as a private sector operator the most attractive situation is one where the controls are tightest, because you know if you invest your \$5 million, someone is not going to put a chip stand beside you. So controls are not a negative factor if they're positive, if they're forward-looking kinds of controls; it's not a negative.

Mr Gary Wilson: Could you just give us an example of what you mean by a control?

Mr Clarke: Yes. I have a lot of experience in destination resort development. I've been a consultant in that field. If you look at the development that has occurred in many major ski areas in the United States—where development occurs on parkland, by the way, in a lot of cases—the most exceptional development, Beaver

Creek in Colorado, has laid down beforehand the exterior finish, the colour of exterior finish, the slope of roof, the style and positioning of signage, on and on. That whole control package was set down in advance so that it was perfectly clear to anyone who wanted to undertake development what the place was going to look like in the future. As a result of those controls—the result wasn't negative; the result was extremely positive—people sought to be in that location as a business rather than in an uncontrolled environment.

Mr Gary Wilson: So you're suggesting there are people who share the vision about the potential of an area.

Mr Clarke: That's right. You have to state what your values are. You can't just say, "Here's a blank piece of land; go to it, friends." You know what the result will be: You'll get the lowest level of quality on the part of the developer.

Mr Robert Frankford (Scarborough East): In a way moving on the same lines, at the beginning of your presentation you pointed out that originally it was called the development commission, and then you said it wasn't envisaged being a land trust. In a way, you're a land trust, but for a start, one of my observations is that you really seem to have a whole range of different things you're doing. I wonder whether that could be pursued. I know in some American states—and I know Vermont slightly better than others—they do have land trusts there. I wonder whether that wouldn't be something which could be developed, even as a separate entity. If I understand one of the advantages there, they're not necessarily fixed in what they have. Private owners, for various reasons, actually put more land into the trust. Again, as you said, the land trust can presumably set very clear standards about future use, but this could well address the questions that are asked about leasing property.

Mr Clarke: I'm very pleased that you've raised the issue. I have some degree of experience with land trusts. I'm a past chairman of the Rideau Waterway coordinating association. Our association there took measures to form a land trust. It does exist.

The problems in Canada related to land trusts are very different from the problems or opportunities in the United States. We need our federal government to take leadership in creating legislation that facilitates the land trust process. There are major problems, and I won't go into those in detail, but the concept of a land trust is very valid.

There is, in the Thousand Islands area, a group that has formed as a land trust, and they are currently inhibited by legislation at the moment, but none the less they're there and they're working on it. So I think, in the long term, yes, the opportunity is there, and it may be, for example, that issues like what we do with marshlands that should never be touched, perhaps those marshlands should be held by a trust. That may be an ultimate answer, I would agree.

Mr Frankford: In New England, it seems one comes across country inns, B and Bs, small, individual, privately owned operations which I think blend in very nicely, and

presumably the questions about land ownership and control are vital in the viability of those. It would seem to me that the area we went through could well benefit from a greater range of such attractive entrepreneurial operations.

Mr Clarke: There's no question, if you are a walker or a cyclist, that your day is governed by your energy. If you happen to be a 75-year-old cyclist, 20 kilometres may be a challenge, so having facilities spaced 100 kilometres apart is a real problem. I think the St Lawrence Parkway is a magnificent facility, but it's a magnificent opportunity. One of the great challenges that we have is that there is no revenue to support that at the present time. As you go through the parkway, you have no real sense of arrival, no significant interpretation to let you know that you're in some place special. I mean, fine, we have some signage that we passed quickly yesterday, a map and so on, but what's special about this region? There are very few opportunities for people to have interpretation of nature, of history, of the culture and heritage of the region; that doesn't exist.

Well, we have to move out of the Dark Ages. We have to look at all the possibilities for that area. You know the sense of arrival that you achieve as you enter a national park, for example, on the highway leading to Banff—Mr Fletcher mentioned Banff earlier—where you pass through a gateway. I think the lack of gateways on the parkways, the lack of sense that you're entering something very special, the lack of a pass—whether it's given to you or you pay \$1 for it, I don't know—that says, "Here are the conditions of your entering this special territory; you have environmental responsibilities," and so on, I think we need to be considering those kinds of issues as we look ahead, that we are the custodians of some very special places. People are willing to pay to enter very special places, a nominal fee.

Mr Frankford: I can't resist drawing to your attention members' statements on July 21, 1993, when Mr Cleary made a statement. In fact, on the same page I made a statement about bicycles and the economy, from a rather Metro Toronto perspective, but I'd be pleased to share this with you. I think it sort of adds to the point we've made about bicycles, but to get the full impact you have to also develop a whole lot of infrastructure in relation to bicycles and not just have a pathway.

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The Chair: There's only a minute and half left. Carry on. I'm just advising you.

Mr Frankford: The other comment I would make is that I came up yesterday by train, and it was really very attractive. It would seem to me that that's something which you certainly would want to maintain and develop. I guess we're faced with real threats that it may not be with us.

Mr Clarke: That's right. It is a challenge. We have international cycling groups saying that they arrive in New York City, they want to travel north, get on Via Rail and bring their bicycles with them, and there are real serious obstacles to that happening now. There are a lot of issues related to intermodal transportation that have to be solved.

Mr Gilles E. Morin (Carleton East): Mr Clarke, just two short questions: the first one, you mentioned in your presentation that Grenville was a real success. What did they do there that wasn't done in the past? Do you follow me? What I'm saying is that in your report you mentioned that Grenville was a success. What I'd like to know from you is, why was it a success? Why was it successful after the partnership agreement, when it wasn't before? Why was the decision made to close it?

Mr Clarke: Obviously, the decision was made to close it because of the level of success of the operation. We weren't successful with the operation; a private sector operator has been. I guess one of the issues is, what are the kinds of constraints that we face as a commission, an agency of the provincial government, that a private sector operator does not face? There are all kinds of issues there in terms of the kinds of rates one charges, the restrictions on our ability to serve what I'd call seasonal clients as opposed to serving transients, the issues of collective agreements and wage rates that are appropriate to the region as opposed to a private sector operator's ability to act as his own operator and not hire staff.

Let's face it. I've pointed out to a number of people that if I buy a campground, I'll work 18 hours a day to make that campground work. That motivation doesn't exist for a provincial employee. Obviously, no one is going to work those kinds of hours.

Mr Morin: Okay. You've answered my question. It's exactly that: Private enterprise is always more successful than government. I know that if I were to run my business the same way the government sometimes runs, I'd be bankrupt.

You are a private entrepreneur, and that brings me back again to private enterprise. I like some of the recommendations that you make. In other words, you want to have more freedom to operate, to make a buck, so that you can become self-sufficient. There's nothing wrong with that. I think that's great. On the other hand, if you were the owner of the park yourself, it's your business, what else would you do, what else would you add to the presentation that you've made, to make a dollar, to become self-sufficient?

Mr Clarke: Whether we refer to parks or to any other business, I think the tourism industry has the most perishable product in the world. You don't put a bedroom that is unsold tonight on the shelf and sell it three months later when the market improves. What's vital in the tourism industry is to be in a position where you, as the operator, can make all of your vital decisions right now. So being linked to a bureaucratic process that requires legislation, for example, to make changes in some areas is extremely difficult. Being tied to collective agreements that are negotiated in Toronto, remotely from the region, rather than having a local or regional collective agreement can be a concern.

There are all kinds of issues where the ability to deal here and now with a situation is a concern. I'm not suggesting that an agency be simply given carte blanche to move ahead, but I think we have to come up with a broad framework and say: "You are free to operate within that framework that meets this broad range of public

concerns. You have to be able to address environmental and social issues, you can't ignore them, but within this framework which we, the government, will endorse, move ahead and create jobs and stimulate the economy." I'm sorry, I'm being a little general in nature, but that's the generality of what I'm suggesting.

Mr Morin: In other words, more freedom to operate.

Mr Clarke: More freedom to operate.

Mr Morin: But at the same time with very stringent controls.

Mr Clarke: Yes, that's right.

Mr Morin: John?

Mr Cleary: How much time do I have?

The Chair: Five minutes.

Mr Cleary: I'd like to get back to these land leases again. I would take it that the first thing you would have to get on a land lease is the support of the local municipality, the municipality that it's in. Is that correct?

Mr Clarke: The local municipalities are a vital part of the equation because, let's face it, we are an important aspect of their own long-term planning. Their zoning support, all of those requirements are still there. So, yes, they are vital partners.

Mr Cleary: The other thing I would like to ask is, for a non-profit organization for recreation purposes, how would you look at that in an area that right now is in desperate need of being mowed and looks terrible; in other words, if a non-profit organization wanted to take it over for recreation purposes?

Mr Clarke: We're happy to have anyone take over costly operations of ours where they basically will meet our basic concerns and guidelines, again, but the concept is—

Interjection.

Mr Clarke: Frank says there are examples where we've done that already.

Mr Cleary: On a year-to-year, or how long a lease would you get on that?

Mr Clarke: I'm sorry, you're talking about a lease of—

Mr Cleary: A lease of existing parkland right now.

Mr Clarke: Well, that's another matter. That's not taking over our operations; that's actually leasing land.

Mr Cleary: Leasing vacant land that looks terrible right now.

Mr Clarke: Leasing any land right now—it doesn't matter whether it's a non-profit organization, a municipality or anyone else—is still subject to the basic process of call for proposals. If anyone wants to lease something, we can't enter into negotiations with any group unless there is an open call for proposals.

Mr Cleary: Could a municipality lease that?

Mr Clarke: They're subject to the same restrictions as everybody else.

Mr Cleary: It used to be leased by the municipality for \$1 a year.

Mr Shaw: We have some agreements with municipal-

ities, and that's perhaps the one exception to the normal consideration for request for proposals, where we will discuss with municipalities first the extent to which they're interested in managing a property. We have several examples of that. Osnabruck township has two agreements with us: one is to operate Farran Park, and one is to manage vegetation along the waterfront between Ingleside and Long Sault.

We do have other operating agreements on the Loyalist Parkway for our three historic houses, and we have one longer-term agreement that we're now discussing with the government for the operation of Adolphustown Park with the United Empire Loyalists, Quinte branch. That's a non-profit community group, but we still look to achieve the same objectives; in other words, that it's an economically viable venture for both the commission as well as the group and that other tourism objectives and environmental concerns and contributions to tourism in eastern Ontario are met at the same time.

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Mr Cleary: Okay. Another question I have: I was pleased to see the paddle boats and some recreation vehicles at the Long Sault Parkway. Are you going to expand on that—I think they were reasonably attractive—or what's going to happen there?

Mr Clarke: Part of our whole process of business planning is to bring in people with what I call world-class experience in attractions and get their advice on where the opportunity areas lie for the future. It's fine bringing in a consultant who will blue sky and come with a shopping list of ideas and no order of priority. We have to find ideas that'll work, and that's what we're embarking upon now. And, yes, we'll look forward to much more of that.

Mr Cleary: What percentage would have to be turned back to the parks commission on a venture like that: paddle boats, Sea-Doos?

Mr Shaw: It depends a lot on the scope of the business venture, the term of the agreement and how long the term is, but we have agreements now as high as 20% of gross revenue. That's in fact the arrangement with Grenville park. In some other cases, it may be as low as 2%, because it's a small business venture and the main reason for including it is to provide a service to our visitors in addition to the main attraction.

Mr Noble Villeneuve (S-D-G & East Grenville): Frank and Gary, thank you. Going back to Grenville Park, you just mentioned 20% of the gross is their annual fee to operate. Could we have an idea as to the ballpark, what that is, what revenue that brings to the parks commission?

Mr Shaw: That was approximately \$22,000 in operating return for the past fiscal year. In addition to that, when there is a private operator operating on our lands, they revert to commercial tax rates and so there's a commercial tax rate paid to the municipality; in this case, the township of Edwardsburg of about \$5,000 a year. That would be instead of the \$500-a-year grant in lieu of taxes that we would have paid if we were operating it.

So if you look at probably where we'll be in 1994-95, I would estimate approximately \$25,000 in return for the current fiscal year plus the additional money to the township. It means, I think, a return of \$30,000 per annum at the present time in round numbers to the community and ourselves. When we last operated it in 1989, our operating loss for that year was approximately \$40,000.

Mr Villeneuve: So this is a net plus of \$60,000 to \$65,000 as we go back to the year 1989. It's my understanding that a new deal has been struck and that you have submitted it to cabinet. Possibly the parliamentary assistant may be able to answer this: How soon would cabinet be giving its blessing to this?

Mr Daniel Waters (Muskoka-Georgian Bay): To this point?

Mr Villeneuve: Please.

Mr Waters: At this point in time I can't give you the date. I can try to give you a date for that. Possibly before the hearings are over, I can make a call and we can find out if there's a date set.

Mr Villeneuve: It's quite obviously a very successfully operated park by the Cooper family—Larry and Marianne and their daughters—and I've had a number of concerned seasonal occupants in that park, very concerned that something may happen on the way to or on the way from the cabinet table that would create a problem. Do you foresee none of that?

Mr Clarke: We're not aware of any concerns.

Mr Villeneuve: Back to the two parks that are presently closed, Charlottenburgh and Raisin River parks, what's the main obstacle there to opening them in the same fashion as Grenville's been opened and Osnabruck operates one very successfully? What's the main obstacle?

Mr Clarke: I don't think there's any major obstacle. What we're doing now is clarifying contractual terms so that we can make a public offer. I don't see that there is a major obstacle to it. We have to clarify all kinds of issues.

Mr Villeneuve: What has been the major obstacle then? Quite obviously, there have been obstacles, because for two years some interested people have come to me, particularly on Raisin, and nothing's been able to proceed.

Mr Clarke: I think the minister has expressed the issues in letters to the MPs that there were issues related to successor rights, for example, that needed to be clarified.

Mr Villeneuve: Are we coming to a clarification of successor rights?

Mr Clarke: I can only presume that's the case, yes. We're expecting to have that clarified very shortly and it's our hope that we can issue a proposal call this fall.

Mr Villeneuve: Because some of the locations that we've seen yesterday, which are under your control, are certainly prime locations for long-term leases. I don't believe they're wetlands. I go back to Charlottenburgh park. There's a problem there with the sewage system, I

gather. We certainly have some interested people. That's prime waterfront property. It's been a park for many years; it's now been closed for quite a number of years. What would it cost to bring the septic system in line? Any idea?

Mr Clarke: No, I have no idea. I don't know that—

Mr Shaw: I can give you a very general estimate. We anticipated it would be somewhere between \$100,000 to \$150,000 to complete the tile bed which needs to be installed for the shower facilities. In addition, since the park has been inactive since 1989, I would anticipate anywhere up to \$100,000 in retrofit and renovation activities before the park would be in any condition to operate again. We would anticipate, though, given the size of the park, that very innovative proposals may be made and that the opportunity for tourism there in the future may be far more than the typical facility that we offered when we last operated it.

Mr Villeneuve: Could we use, then, possibly Grenville Park as an example that if you were to invest a quarter of a million dollars there, the commission could recoup its money in five years?

Mr Clarke: We're prepared to look at all kinds of innovative proposals; there's no question about that. The issue of us having investment capital is quite an issue these days, because we're sustaining these ongoing cutbacks, but the principle is fine.

Mr Villeneuve: Going back to the advertising as prime tourist locations, which they are, I'm always amazed that the Toronto folks seem to all want to go north and I see the parliamentary assistant there smiling, and of course they head for his area very much. We have the 401 here which, yes, bypasses those areas, but also can bring you here in about four hours from downtown Toronto to the eastern extremity and certainly less than that to the Kingston and Brockville areas. Have you zeroed in on making it known that we do have these prime waterfront properties, campsites, golf courses, what have you, in the summer, and of course the winter activities. Does the Toronto area get its share of publicity?

Mr Clarke: I think the Toronto area gets its share of publicity. The issue is, is the publicity sufficient? That is a question not only for the parks commission, but for eastern Ontario generally. It is a problem; on the level of tourism marketing generally, you would have to ask the question, is it sufficient to sustain the growth of the tourism industry, and I'm not sure that's the case. I guess the chairman of the Eastern Ontario Travel Association will be here this afternoon; that's a question you could address to them and get a more frank opinion on that subject.

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Mr Villeneuve: Somehow we have the perception that a tourist has to have out-of-Ontario licence plates. I feel we have many Ontario residents who don't know that we have this gem here in eastern Ontario and that the 401 simply serves to bring them from Toronto to wherever they're going outside the province of Ontario, towards the east, the Maritimes, Quebec or the eastern United States.

I appreciate those signs. I think they will be positive towards telling the folks: "Yeah, we have a great deal to offer here in eastern Ontario. Do stop and spend a day or two or three with us on your way to or on your way from." I think that's important.

Mr Clarke: Yes. I think it's important to reiterate though that in spite of constraint, we've attempted to sustain marketing budgets through the period of constraint. For example, in 1994-95, in spite of that constraint, I think we're going to be looking at revenue increases of about 14% overall. Even places like Fort Henry, where we've had contraction, where we've had the cancelling of the sunset ceremony, I think people are going to be very surprised in Kingston to find out that the level of attendance at Fort Henry has been sustained in spite of those decreases in activity in the evening and that our revenues are up substantially. So in spite of all these ongoing programs, the success rate is there and is continuing on an ongoing basis.

To address your question, "Could tourism in eastern Ontario grow more rapidly with better marketing?" I would say yes.

The Chair: The government still has a round. Mr Waters, you were left over from the first round.

Mr Waters: Left over? I'll say. I don't know whether to feel good about that statement or not, Madam Chair.

There are a couple of things. Right off the top, I'd like to pick up on something Mr Villeneuve was talking about at the end, which is the Toronto people. It's going to be difficult for me to say "Mr Clarke" and all of this, so Gary, one of the things that I feel is happening is that more and more people in Toronto don't have vehicles. You and I have talked for the last four years, or three years I guess, about cycling opportunities in eastern Ontario. It is I think our shared belief that this is probably a gold mine for the cyclists, because of the fact that we have a canal system and two rivers that create a triangle from Kingston to Ottawa, down through Cornwall and back, and we have the parks commission.

What I envision in the future and I'd like to see happen is almost put back a boxcar or some sort of car on a train out of Toronto on a Friday night so that indeed the cyclists from Toronto could have an opportunity to come to eastern Ontario. The difference between where I live in Muskoka and eastern Ontario or Cornwall is two hours, and two hours in bumper-to-bumper traffic is not something people want to do on the weekends. So I think the train is a wonderful opportunity, and we have to start somehow working with our federal counterparts to lobby for that type of thing.

Cycling: Gary, you and I have talked about it for some time. I would like it if you could spend a couple of minutes in depth on cycling and some of the problems we face. You and I have also talked about the opportunity for country inns and this type of thing, because of the lack of accommodation. Could you spend a couple of minutes on that?

Mr Clarke: When I first started to talk about cycling two years ago, as an entrepreneur, people quite frankly thought I was a little bit out of my mind. It's like some

sort of religious revival. "Is this a fantasy that this gentleman is espousing?" I'd suggest to you that it's not.

Jurisdictions like Holland and Denmark and the state of Vermont have discovered that cycling is a growth market. Holland is seeing a 25% rate of annual growth in touring by bicycle. Further, they've discovered that touring cyclists spend more dollars per day travelling than do travellers by automobile. It's a more lucrative form of tourism for Holland and Vermont than travelling by automobile. So I think eastern Ontario with its quality of attraction and its geography generally is very well suited to the development of a bicycle touring strategy.

There are a number of concerns and elements, and I would suggest to you that encouraging bicycle touring in the area is contingent upon you having either off-road trails or paved road shoulders. Under provincial policy, the Ministry of Transportation is able to subsidize the paving of road shoulders just as it does the road surface itself. So I think it's opening up in that respect.

Within eastern Ontario, we're developing a strategy. We're developing a strategic plan that shows what are the key cycling routes. We are also going to be the benefactors in eastern Ontario of a trans-Canada trail that's going to pass through our region, probably Cornwall to Ottawa to Kingston, and link with the Loyalist trail and the waterfront trail. So there is lots of opportunity ahead of us as long as we get all government agencies to recognize that this is a serious economic opportunity. It's not something frivolous that we're addressing.

In terms of development, yes, because you change your modes of transportation and rely on something that's a function of people's energy, you need facilities and services spaced at convenient intervals. As you look at Highway 2 through this region for example, it's a long way between convenience stops. There are pure physical constraints there.

Accommodation facilities: We have an array of underutilized accommodation facilities in eastern Ontario; motels that through shoulder season run at occupancies of 30% and 40%. So catering to the cycling market is an opportunity for them.

Seniors, a more mature market, may be looking for heritage inn properties and bed-and-breakfasts. So working in conjunction with property owners, we can encourage those kinds of development. There may be opportunities on our own lands where it's appropriate that we encourage the development of heritage inns or bed-and-breakfasts and other forms of accommodation; dormitories, for example. As part of our planning, we have to be able to accommodate the growth in accommodation facilities.

I was mentioning yesterday on the tour that in 1890, in the Thousand Islands region, between Brockville and Gananoque, between Alexandria Bay and Clayton, New York, there existed 4,000 bedrooms of accommodation in what then was the second-largest tourism region in the world. We have a small fraction of that level of accommodation now, 100 years later. So something has to be done to significantly revitalize facilities and tourism services.

Mr Waters: Madam Chair, could you give me an idea when I'm down to about three minutes?

The Chair: That's exactly where you are.

Mr Waters: Then I'm going to ask this very quickly, and that is, the waterfront at Upper Canada Village. We've done a number of different things to stimulate, shall we say, and my dream is that the St Lawrence Parks Commission will be in the position, hopefully in the next few years if we work together, that the St Clair Parkway Commission is in right now, where it's about 80% self-sufficient in its operating. I'd like to see St Lawrence go in the same direction. I believe a lot of that has to do with revitalizing Upper Canada Village and a few other key attractions. Could you go into depth, maybe give us a microscopic view or something—I don't know—of what you plan in the next couple of years.

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Mr Clarke: The communities along the St Lawrence River developed as waterfront communities. Upper Canada Village was created because of an incident and a flooding—we know the history of the situation—but it was not created, when it fell into place in the 1950s and early 1960s, as a waterfront community. So it's artificial in that respect; in many respects, it turns its very back to the river.

The development plan we showed yesterday—and we have copies of it available here if anyone's interested in the details—reverses that situation and rather puts our attention and focuses the village on the waterfront itself and brings into play all the traditional kinds of waterfront activity that would have been there. It makes a more natural and more typical situation for a waterfront community, but also, because of general interest in water and recreational interest in water, it makes the village a much more attractive product. It's, I think, a critical element of making it self-sufficient.

The Chair: Forty seconds.

Mr Alvin Curling (Scarborough North): He says he's going to give me that 40 seconds.

The Chair: Ms Carter had a question.

Ms Jenny Carter (Peterborough): I'll just raise something that I don't think has been raised at all. If I had to choose between different areas to vacation, I might go north because I might feel there was less pollution up there. Is pollution of the St Lawrence a problem? Do people swim without any ill effects? Is there anything we could do about that anyway? What is the position there?

Mr Clarke: I grew up on the St Lawrence. My three children have grown up on the St Lawrence and swim daily through the course of the summer. The concerns about pollution have changed over the years and we're now concerned about toxins that no one had heard of 10 years ago, so pollution is still an issue. The MP for the region, Jim Jordan, has announced new federal initiatives to help clean up some of these toxins.

The clarity of the water, by contrast, has improved markedly; of all things, people are attributing the new clarity to the zebra mussel, which is consuming some of the other material. The quality of the experience for scuba divers, for example, has improved dramatically just

in the last two to three years. We have in some areas like Prescott new opportunities of underwater parks, and there's talk about sinking wrecks to create attraction underwater for scuba divers. Our opportunities evolve in curious fashion sometimes, because of pollutants and new intruders in the environment.

The Chair: We would like to thank you, Mr Clarke and Mr Shaw. We are now going to move to the next presentation. I'm assuming, Mr Shaw, that as general manager, if there are still questions to you beyond Mr Robertson or Mr Deault, you're going to be a resource as well. In fairness to the different levels of staff, I think it's good for everybody to know that everyone can answer questions if necessary.

Mr Robertson, we'd like to welcome you to the committee this morning as the manager of Fort Henry. There is half an hour assigned to your presentation, and I know you're aware that the committee members want to have ample time to answer questions.

Mr John Robertson: Yes, Madam Chair, thank you. My presentation, the verbal presentation, should be, I would think, about eight minutes long, and then we'll have lots of time for questions.

Good morning, members of the standing committee, and thank you for allowing me to make this presentation on Fort Henry. My verbal presentation this morning will overview the fort and some of the aspects of its programming and services. I've also submitted a written report which provides quite a bit more detail on the operations and specifically on the fort's objectives.

Having spent most of my life in the historic tourism field, I can't ever make a presentation without doing a little bit of historical background on things, so please be patient and stay with me.

Fort Henry is located in Pittsburgh township in the greater Kingston area and is situated on lands owned by the federal government. The fort is currently operated under a long-term lease arrangement with the Department of National Defence.

Opened in 1938, Fort Henry is one of the oldest operating historic restorations of its kind in North America and the first—I say again the first—to introduce a large-scale "living history" program in Canada. It was second only to colonial Williamsburg in the United States. The present fort is the second that was built on Point Henry.

Historically, fearing American invasion, Fort Henry was constructed to protect British interests in Canada, particularly the royal naval dockyard at Kingston and the entrance to the Rideau Canal. Fort Henry served as an active garrison until 1891.

In addition to its role as a garrison community for British and Canadian soldiers and their families, Fort Henry also served as an internment camp for political prisoners in the First World War and for German prisoners of war in the Second World War. On other occasions it has functioned as an ammunition and storage facility and as a school for military dependants.

As I stated, Fort Henry was originally constructed to keep American invaders and others out. Today, in a

rather ironic twist of role, we strive to bring Americans as well as Canadians and international visitors through our gates to witness a dramatic segment of this nation's military and civilian heritage at the time of Confederation.

Currently, this season—which has just closed, as many of you know—Fort Henry opened on Victoria Day weekend and it closed to walk-in visitors on Thanksgiving weekend. The daily program runs from 10 am to 5 pm and is really designed to offer non-stop activity throughout the day. With my written report I've taken the liberty of including a copy of Marching Orders, which is our visitor handout at the gate, and I think you'll have a look at that and see that it is a very, very active day program; when we get visitors on our site we try to keep them there as long as possible.

A major feature from mid-May to the end of August is our daily commandants parade, where at 2 pm the fifes and drums, infantry and artillery units of the Fort Henry Guard perform the music and drill of the British army of 1867. The Fort Henry Guard continues to maintain its reputation as one of the finest performing units of its kind anywhere.

I had a number of questions yesterday on the tour, and I think the normal assumption is that they must be students from the Royal Military College. We're quite emphatic about that: None of them have any military background; there is no connection to the Royal Military College. These ladies and gentlemen are young people of Ontario from colleges and universities, and many of them had never seen any military training until they started with us. We even have opportunities where we have the Canadian military come over to see how we do it, because they have not yet figured out how we can take people in a month and a half and put them on that parade square and do it twice as good as they do. That's one of those secrets.

Throughout the summer, Fort Henry stages several large-scale special events, including celebrations around Canada Day and Dominion Day, what we call Warriors Weekend, which is a re-enactment festival, and in September our very successful—we just completed our fourth annual Celtic Festival. Those of you who know the greater Kingston area know it's really a heart of Celtic culture and music.

Fort Henry also serves as a venue for outdoor concerts and has featured such artists as Blue Rodeo, the Tragically Hip, Tom Cochrane, and Dwight Yoakam.

Every second year in late August, the fort hosts two joint performances between our own Fort Henry Guard and the Battle Color Detachment of the United States Marine Corps from Washington, DC.

In 1994 our major marketing and program thrust was towards bringing families back to Fort Henry. Under the banner of "Major Fun," we saw our family passes exceed the projected target of 1,000 to over 4,000, and many of our daily children's military muster parades ballooned to over 200 participants at a time. Visitor feedback has been very supportive of our new family-oriented day programming.

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During the shoulder season, Fort Henry offers tours by reservation to bus companies as well as experiential learning programs for schools and other group traffic. Our overnight program sees students dressed in uniform living the life of a soldier in 1867.

Fort Henry also provides facilities for small conventions, business meetings, workshops and seminars. Throughout the year, the fort offers a wide range of foodservice options, ranging from re-enactments of period officers' mess dinners to business-related receptions and banquets.

Since the last time this committee visited our facilities, Fort Henry, like all other government agencies, has had to deal with the impacts of constraint as well as other fallout related to the recession. For example, since 1988 staffing levels at the fort have shrunk by over 38%. In the same period, however, our revenues have shown modest growth and our self-sufficiency has improved from below 28% to over 43% this year.

Shrinking budgets, new trends in tourism and changing visitor expectations have required a complete revamping of our products and services. In the face of tremendous organizational and business change and significant financial pressures, the staff at Fort Henry has consistently rallied to overcome every obstacle and still deliver a quality experience to our visitors.

Hard and sometimes unpopular decisions, such as cancellation of the sunset ceremonies or the introduction of women into the Fort Henry Guard, have had to be made to cope with either fiscal or social change. As one of the leading tourism properties in eastern Ontario, we have made every effort to be sensitive to our partners in responding to that change and to the reductions in our operating capacity.

We recognize that the decision to cancel sunset ceremonies because of funding pressures and declining attendance resulted in some losses for some of our smaller campground and motel operators. We are confident that over time, and with our new enhanced day program designed to keep visitors in the area longer, these losses will be regained.

Even though the impact of constraint on the staff and on the organization as a whole over the past few years has been significant, the positive response from our visitors, combined with our progress towards self-sufficiency, makes us even more committed to Fort Henry and its potential for the future.

Members of the committee, thank you very much for the opportunity. I'd be pleased to answer any questions you may have.

The Chair: Thank you very much, Mr Robertson. We're starting with the Progressive Conservative caucus this rotation.

Mr Runciman: I apologize for missing much of the presentation. I would like to ask you, though, in respect to your season that just finished, I gather—you've closed the fort.

Mr Robertson: Yes.

Mr Runciman: Have you had an opportunity to reach

any conclusions in respect to how your financial situation looks for this season?

Mr Robertson: Our revenue is up. We did an analysis recently just looking at the impacts of the change, because we did go through significant change last year with the cancellation of the sunset ceremonies, and our unaudited numbers at this point are, comparing this year's program to last year's program, including sunset ceremonies, that our paid attendance is down by just under 1%.

Mr Runciman: Your paid attendance is down?

Mr Robertson: By just slightly less than 1%, but our revenue's up by 14%.

Mr Runciman: What do you attribute that to?

Mr Robertson: Within my presentation, you heard that we're pretty diverse, everything from rock concerts to banquets and the regular program. Our sense right now is that part of that is that we've been very successful with our experiential learning programs, which have a higher rate of fee. We've done very well with our festivals. We've just finished our September Celtic Festival, which is probably the best return this year it's ever had; in fact we probably made lots of money on it this time. I think that contributes to the revenue, plus some slight fee increases that we introduced last year. We are quite sensitive about raising our fees significantly, particularly with the perceived reduction in the program with the cancellation of the ceremonies.

Mr Runciman: The chairman earlier was talking about Fort Henry and mentioned, partially being facetious, about having someone like Garth Drabinsky come in and operate the fort. I guess I don't see that as out of the realm of possibility: a major entertainment company working in some kind of partnership agreement. What kind of limitations do you find in respect to your ability to generate increased revenues and to attract increased numbers in terms of paid attendance?

Mr Robertson: I think there are several opportunities and some barriers or restrictions there. But I should point out that because of where we're situated, partnership for us has been pretty aggressive over the last few years. I mentioned concerts on the scale of Dwight Yoakam and some of the large-scale ones. We have no bankroll for that. With artists at that scale, you're probably looking at \$50,000 to \$75,000 on the table in order to do that. We do not have that money; we deal with a promoter or a partner who actually fronts the money on that, and for us it becomes what we refer to as a venue rental. We get a per-head cost off the top of each person coming through, we get exclusive right to the foodservices and receptions, we get parts of the retail and so on; otherwise we couldn't run those.

Other opportunities for us: We have a number of concessionaires onsite; in fact, we added three more this summer. We had helicopter rides off Point Henry, aerial tours of the greater Kingston area; the operator worked around a theme of historic fortifications, that he would take people in the air and do this aerial tour. It was very successful. He himself ran into some red tape, I think, with the federal government, but we're hoping he's going to be back on track next year.

Part of the problem we find in dealing with operators, say, like those who would put together large-scale country and western concerts or rock concerts really has been that we don't move fast enough. That's part of the problem. I just don't think we can move fast enough with those.

Mr Shaw: I just wanted to supplement John's remarks by saying that it's part of our business planning process, recognizing that we do have additional financial mechanism available to us now in revenue retention and that if the business opportunity is there it can be a self-financing proposition, as long as you can turn it around in the cycle of a business year. We aren't ruling out any possibilities at this stage of what our future business might be. With a very unique structure like Fort Henry, although it does have limitations because of its historical and heritage architectural character, it does have a lot of opportunities and we have a lot of evening space time and off-season space time that we can look at new opportunities with.

Just to follow up on the attendance for this year, given the major change we've experienced and recognizing the variability of tourism from year to year, to be only off minus 1% on paid attendance this year we think is an outstanding achievement, considering the fact that when we talked about not having sunset ceremonies, some parts of the marketplace that we weren't always able to reach through our advertising thought maybe we were closed, that the sunset ceremony not being around meant Fort Henry closed. It takes a year or two to grow through that and make those achievements.

I think with the success of satellite and off-season business, such as with our new foodservices operator, which is very active this winter, we may find by March 31, the end of our fiscal year, that we may be very close to our paid attendance for last year; we may be even and not down.

Mr Villeneuve: I thought it was intriguing yesterday in the refurbished area where you do some hospitality, some catering, I gather. You have been catering to corporate entities that may be set up in Toronto, Montreal and Ottawa because of the central location of Kingston. How big a portion do you see that particular segment?

Secondly, there's always that fine line that you don't want to compete with the private sector; you can be complementary. I think this is an area where you can be quite complementary in bringing a group of people to Kingston that would not normally have gone to Kingston, because of the location and the facility, and they would be doing the overnighting in some of the motels/hotels in the area. How big do you see this becoming?

Mr Robertson: I don't have the exact numbers, but I can tell you from the last couple of years that probably the most rapid growth in our business has been in that kind of service. We've had very good luck. We're very integrated in the greater Kingston area with most of the businesses. We work on different committees, tourism groups, things like that. We try to capitalize on the uniqueness of our venue, which is the only one of its kind. I think we've created some good partnerships, in that it's not senseless competition. Its sense is that we have a unique environment.

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Downtown Kingston is historic buildings and an attraction unto itself. Because of the fact that we are an institution town, we tend to have a lot of corporations and businesses that host conventions and meetings and seminars. We do not compete with the major hotels because we just do not have the enclosed facilities to deal with large conventions. It's worked out very well for us. Like I say, probably the most rapid part of growth that we've experienced is in the theme food services.

Mr Villeneuve: And caterers are the ones who look after food?

The Chair: Thank you. We move to Mr Malkowski.

Mr Gary Malkowski (York East): Thank you for the presentation. Just for the record, I really want to say I enjoyed the tour. I've gone with my family around the area about two years ago and I enjoyed seeing all the parks again yesterday.

But that's quite an economic impact, living through the financial straits that you've done in the last couple of years and being successful. That's quite an accomplishment. Over the last three years, do you have statistics for the number of visitors to Fort Henry? Has that gone up or has that dropped? What has that been like in general?

Mr Robertson: I think throughout the time of the recession and the major cutbacks—at one time we ran sunset ceremonies every Monday, Wednesday and Saturday evening in July and August. Overall, there may be a decline in actual visitation, but we've diversified into other areas which have brought those numbers back up. Without having the exact numbers in front of me, I'd say we've been pretty consistent in sustaining our numbers.

Mr Malkowski: My second point would be, how can the increasing revenue be explained, given that? Also, I was wondering, that 14% increase over the year, is that the largest increase you've noticed over a year in your time with the fort, or how does that compare with previous years in increases?

Mr Robertson: Every year we've increased revenue, but not as significantly as this year. I think the explanation for that really is that we are drawing on different people; we're finding that visitors coming through have different interests and different needs, so we may be bringing people through for different kinds of programming that have higher admission fees.

I mentioned earlier about our educational programming. Two years ago a bus tour from a school would come through and probably pay the average student rate. We have built enhancements into those tours now that give them a much broader and more participatory experience and hence we can charge a little more for that. So the revenue from that has gone up, and last year we did make some modest increases in some of the rates.

Ms Carter: I also appreciated the tour very much. It was very enjoyable. I also commend you very much on this immersion type of program for children that you've just referred to. I'm sure that's very effective and beneficial to everybody concerned.

But what I did want to raise specifically, you said

yesterday that you have no water access. I'm just wondering what could be done to change that situation and what possibilities that might open up. It seems to me you might have ships out there that were part of the picture and all kinds of interactions that were going on, tour boats, mock battles, I don't know. What needs to be done to give you that link-up with the water?

Mr Robertson: Perhaps I can answer your question and expand on Mr Runciman's too. We talked about the property and what needs to be done. Because you came around the fort, you can see we're sort of limited in our scale. One of the problems we get into in large-scale concerts is we have big-name artists who outdraw our facility. We have about a 5,000-person capacity, but as you noticed yesterday, there's only one entrance in and out so it's sometimes a safety issue.

For us to try to grow outside of that gets us out on to the property of which we have no real control. We cannot secure that property in any such way, which would kind of restrict our ability to generate revenue.

Your question about the waterfront: One of the things we have talked about, but it's purely in concept, is looking at potential for waterfront development. We can bring people in. As I mentioned, we had helicopters this summer. We can bring them in by air now and by bus and by road. We cannot access the property by water because there are absolutely no docking facilities.

So there is some thought around looking at some waterfront development to maybe tap into these large cruise ship lines that are on the Great Lakes and certainly on the St Lawrence. There are a number of tour boat operators, a couple right out of Kingston. We're all aware, I'm sure, of Boldt Castle and the different boat lines that go back and forth to Boldt Castle. We always feel at the fort that we're as good or better than Boldt Castle; we just can't get you off the boat on to my property and get you up to the fort, so that would be one of the things we would look towards.

I think there are two issues: One is trying to gain more security for the property so we can use the property outside for larger venue events, and looking at how we can access the property through the waterfront.

Mr Gary Wilson: Actually, by having Jenny go first, it really highlighted what I wanted to say, that Mr Clarke had sounded facetious about the possibility of wanting Garth Drabinsky because he's got John Robertson there, and I think just that answer shows the creativity and ingenuity that John has showed.

I want to say too that John has handed out a complete set of things regarding the fort, including his card. I'm surprised not to see his cell phone number there or even to see the cell phone next to him, because every other time I've met John he's always had that very close at hand. He's so accessible on this that I just want to highlight the work he's done, and the accessibility.

I have to say too, after the tour, that it's throughout the parks of the St Lawrence Commission that the dedication of the staff is so obvious and such a reassuring thing for the future. I just want to say, John, we're pleased to see you here with such a good presentation.

Mr Robertson: I didn't have my cell phone because I thought it would be rather tacky if it went off in the middle of the presentation. So I shut it off and put it away, but I do have it with me.

Mr Curling: I had the opportunity for the first time to visit the St Lawrence complex there and, yes, I kind of enjoyed it, but I had quite a few questions too.

You made a comment earlier on that fascinated me a bit. You say you're not in a competitive business. You're in the tourism business, to begin with, and sometimes I understand you're in the historic business. I think if the St Lawrence concept is not in the tourism business and in the competitive business, what we should be doing is getting out of it, because you've got to make some money somehow, and you have the other tourism complex outside, the private sector, which is competing. So the government must decide itself whether it's in the tourism business or not, or give the environment enough support so that it can make money, it can employ people, it can generate the economy to that extent.

What I'm hearing from my colleagues here is what a wonderful job everybody's doing, but somehow we hear you only have a 1% increase in the Fort Henry complex. Why is it that from 1990 then there has been a decrease in attendance, in 1991, 1992, 1993? What caused that decrease? You seemed to be on the upswing in 1990. What caused that decrease in attendance?

Mr Robertson: Mr Curling, let me clarify the first point. When I said we weren't competitive, I meant we weren't competing necessarily with the local restaurants and hotels. I guess my inference there was that we were working together complementarily so that we were trying to build each other's business. We do a lot of work in partnership and we exchange business back and forth. So I didn't mean it in the sense that we don't compete. In reality we are competing with them, but we're competing based on a unique product that they don't have.

I guess on the second question, one answer is the recession. It hit most historic sites, and I think we did relatively well, considering the way tourism was impacted throughout that particular period.

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We had significant constraints applied to the fort and to the commission, and we were going out of programming. In 1990 we were actually running Fort Henry 12 months of the year. We had a full winter program going and a number of off-season events, and to deal with constraints and cutbacks we had to eliminate those right back. We started cutting back on the sunset ceremonies and so on and so forth. We were cutting back on programming to meet constraints and at the same time rejigging our day programming in order to bring ourselves back up again.

Mr Curling: Mr Robertson, you touched on something too that I thought was rather interesting about transportation. Coming to that area, it has maybe the best transportation system. You've got water and you've got great highways. In tourism, it's a key aspect of it, how we get there and how we get there efficiently.

I think it's almost even cheaper to buy a ticket to

Jamaica return and maybe get seven days of hotel than coming from Toronto to Kingston. What is the government doing in the sense of working together with the federal government? Say, taking Via Rail, which is expensive—let's forget the air, but here we have beautiful Via Rail, and of course waterways, but you said you can't land easily—but utilizing those resources in a very economic way in utilizing the kind of opportunities we see there, is the government doing anything about that? Are you and the chairman himself making any presentations in the sense of getting some of that effect, that kind of thing moving?

Mr Shaw: If I could answer, since we're kind of getting beyond Fort Henry or we're getting beyond eastern Ontario—

Mr Curling: No, we're trying to get to Fort Henry.

Mr Shaw: I think the chairman in his response earlier did talk in general terms about working with our eastern Ontario partners, the provincial and the federal governments, with respect to making sure that rail transportation opportunities are enhanced and become more user-friendly with respect to tourists who might come into the area, in particular certain types of niche-market tourism such as bicycle tourism. Via Rail may present a great opportunity for them to get to the area and then they use their bicycles in the local area.

We've worked very hard with our major travel association partner in eastern Ontario—that's the Eastern Ontario Travel Association—to look at opportunities wherever possible to join forces with operators, look at packaging and promotion opportunities where we can combine travel, accommodation and visitation to an attraction and develop packages for our tour operators and make ourselves more accessible, including the transportation question.

There is a lot more work to be done, and I think we will continue our efforts regionally, within the parks of the St Lawrence, certainly at Kingston, John with the tourism partners in the greater Kingston area, and at the board of commissioners' level I know that from time to time we do make recommendations to the province through our ministry in terms of opportunities that we think should be pursued at the provincial and federal levels as well.

Mr Curling: I understand then that you're making an approach to the private sector as a package to say: "We could attract more tourists in our area if we could get better transportation. We have excellent transportation, but the cost is just extremely high." So you're working together.

My understanding is that you're working together with the private sector in order to approach the government if they are thinking that just dropping some money there is good enough. But I think that to coordinate some of those activities—is that being done? I know you said on a broader basis that it may be done, but is Fort Henry doing this too, to say, "Listen, we could increase our possibilities here"? We're not getting any response from the government. We only get a whole lot of stroking. We pump some money here and we're not quite sure if we're getting the people there.

Mr Clarke: I'm sorry to intervene, but I think the issue you're addressing is an issue that's of national concern. There is indication at the federal level of a major change in the orientation of the federal government to tourism. I'll relate a very short story.

The Prime Minister apparently invited Menachem Begin for lunch one day a few months back and Mr Begin, during lunch, said: "Mr Prime Minister, what a beautiful country you have. What a shame you're not doing anything about tourism."

As a result, the Prime Minister appointed Judd Buchanan, his former cabinet colleague, as his special adviser on tourism nationally. There has been a report filed by this adviser to the Prime Minister. The Prime Minister is addressing the national conference on tourism in Vancouver later this month. It is our information that probably the Prime Minister will announce the formation of a Canadian tourism authority with a substantial new federal commitment to tourism marketing dollars that Mr Buchanan has asked for, at least a threefold and possibly a fourfold increase in commitment to tourism marketing.

I would suggest to you that the province is going to have to make the same kind of commitment. It's not acceptable that we all—no finger-pointing, all parties—have let tourism decline to the bottom level of spending priority. When we're forced to accept that our major market in eastern Ontario is Quebec, yet we only have \$30,000 available to market to our major customer, we all know that's not acceptable. So let's all agree that tourism, which employs more people than any other industry in this province, in this country and in the world, has to have a new level of commitment from government to make it work.

The Chair: I'm sorry, we're two minutes over time, but I didn't want to interrupt Mr Clarke on Mr Menachem Begin's visit to the Prime Minister.

We will now move to our next deputation, the manager of Upper Canada Village, Mr Paul Deault. I wish, Mr Deault, you had brought your cape with you this morning. Some of us might like to have worn it this morning. Welcome to the committee and please proceed.

Mr Paul Deault: Bonjour, mesdames et messieurs. Thank you very much, Madam Chair, for inviting me to speak to you this morning. As you have noticed, I'm in different garb today. I speak today as a modern man, to speak of modern things.

While we enjoyed our tour of Upper Canada Village yesterday—you had an opportunity to see some of the activities, some of the buildings, some of the things going on behind the scenes at this time of year—unfortunately you were a day too late because Upper Canada Village closed on Monday. What you missed at Upper Canada Village was a total experience of the site.

What visitors experience is a combination of sights, sounds and smells of everyday life more than 130 years ago in a small, waterfront community along the St Lawrence. That's what we try to provide visitors: an experience and a fantasy, an experience that we try to recreate in an authentic, animated and entertaining manner. We believe at Upper Canada Village that people

learn best when they enjoy themselves—it's a fairly simple thing—and we believe that Upper Canada Village is a historical way to have fun.

Upper Canada Village is for families as well. Children have all kinds of opportunities to milk cows, feed the fish, sign up in the volunteer firemen's brigade and play with historic 1860s toys and games in our children's activity centre. A few years ago we developed a volunteer young interpreter program where kids from nine to 15 come to Upper Canada Village in the summertime and for a few days a week they dress up in costume and play and work as kids would have done more than 130 years ago. This has been very successful, and this year we introduced an addition to that, an enhancement called Time Travellers, which is a five-day summer camp program. Kids pay to come to this program. It has also been very popular for us.

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The basic regular operating season of Upper Canada Village is from Victoria Day weekend in mid-May to Thanksgiving weekend in October. As you gathered yesterday, we also offer guided tours during our shoulder season.

We have a variety of school programs, structured programs, and a school overnight live-in program that has also been very successful. Those programs are all geared, basically, to meet the school curricula.

As Fort Henry does, so do we offer a variety of special events at Upper Canada Village to enhance the visitor's experience. Throughout the summer, visitors can enjoy a ride on the carry-all, as you did yesterday, or along the canal on the bateau, all part of the admission to Upper Canada Village.

What we've developed in recent years is a focus on what I call interpretative entertainment, which is a focus on providing visitors period music, street dramas, re-enactments and a variety of what we call first-person characters. These are people who play a role, play a character from the past. We've found from our experience in the last few years that visitors are delighted and find this very, very enchanting as part of their learning experience.

Madam Chairperson, you've asked me to speak on the policy effects of the commission on Upper Canada Village. Clearly, like Fort Henry, Upper Canada Village has had to cope with very severe budget restraints in the last few years. These have necessitated reduction in every area: in support areas such as cleaning and housekeeping, in maintenance and office services, in program research and development, and yes, in management personnel as well. These reductions have also been made to our visitor program, where we've closed some buildings and some activities completely, and some we've closed on a rotating basis.

Notwithstanding those severe operating budget reductions, we've also been able to take advantage of corporate capital funding to improve and restore our historic areas, our historic buildings, to provide disabled access services, to improve occupational health and safety conditions. Capital funding has certainly been a ready source of

revitalizing Upper Canada Village. We've also been able to access capital funding to improve—the Chairman made reference this morning to the Village Café, the village store renovations at our front entrance. All these opportunities to use capital funding have enabled us to improve our visitor services and as well improve our revenues.

This year the commission approved two long-term capital projects for collections management and security to ensure the preservation and management of our extensive pre-Confederation Canadiana collection.

What is the future for Upper Canada Village? Clearly for us we will continue to provide quality presentations that have made Upper Canada Village one of the top historical attractions in the world. Family fun will continue to be emphasized and we will continue to be mindful of our custodial responsibilities for an important part of eastern Ontario heritage.

Upper Canada Village is more than a historical attraction; it is also a manufacturing plant, with operating mills, a cheese factory, a bakery and a number of artisan shops, all of which produce unique products that we can retail at our village store. We will seek increased opportunities to diversify the sales of our products. This year, for example, we joined forces with other major Canadian museums to market some of our unique village products in a new sales catalogue initiated through the Canadian Museums Association.

Increasingly, Upper Canada Village must look at new opportunities to improve our self-sufficiency. Under revenue retention, we have to do this in many ways. Recently, we formed at Upper Canada Village a business improvement group. I'm partial to acronyms, so we call it BIG. It includes the local union representation and management and staff, and together we are looking, now and in the future, at opportunities to increase our business, increase our revenues and increase employment at Upper Canada Village.

Last year, the commission approved a major waterfront development plan for Upper Canada Village. We spoke about it earlier. You had an opportunity to get an overview from us yesterday on the exciting opportunities. I believe that it will offer an exciting, powerful tourism generator not only for Upper Canada Village but in the context of Crysler Park's overall development as well.

This year, our attendance and revenues at Upper Canada Village have been very encouraging. Our attendance went up 7% as of Monday and our admissions and retail revenues have gone up 17% this year. It's very encouraging for us. We've had our ups and downs in attendance and revenues. We are hopeful for the future, certainly under revenue retention; it offers us opportunities that we haven't so far had to improve and be masters of our own destiny.

Mr Waters: Let's look at revenue retention and the future of Upper Canada Village. As a person who's worked fairly closely with you for the last few years, I know there's been a lot of concern by the employees about job security and longevity. With the two of them, is that going to provide any sort of job security or longevity of jobs or an increased number of jobs, do you feel, if we move down with the new programs or the

waterfront as well as with the revenue retention?

Mr Deault: When we met with all the staff in the spring to talk about revenue retention, I said to them that for us revenue retention offered us opportunities that we haven't had so far. All we've seen is budget constraints and now we have an opportunity to change that and do things that, where there's a dollar to be made, we can improve the revenues. To me, the win-win situation is also to improve employment for staff. I see various opportunities during the shoulder season. We're basically open six months of the year, yet we have all these manufacturing plants and opportunities. We have very skilled artisans, very skilled staff. I see opportunities for us to use their talents, use their skills, to manufacture and improve products and perhaps market them internationally. That I see as a key feature of revenue retention for Upper Canada Village.

Mr Shaw: Revenue retention is a very significant mechanism for us. Even though the chairman spoke earlier of looking forward to more flexible policy opportunities, where we can perhaps manage our business more ably within a framework of understanding, even this year we have made great advances with respect to managing with this new tool as part of our operating framework. We dealt with as much budgetary constraint this year, in 1994-95, as we did in 1993-94, about a million dollars, when we make allowances for social contract, multi-year expenditure constraints etc.

The commission challenged itself and the staff challenged ourselves this year to make up the difference through increased business growth; in other words, revenue. We were able to absorb far more of that through that entrepreneurial approach to our business than traditional cost-cutting at the bottom end of the scale. As a result, we're having a successful year, our business is up revenue-wise 14%, we're sustaining last year's growth. In fact through good business development, even as much as we've done so far, and there's lots more opportunity, I think we have created opportunity for more job security. In fact, this year we dealt with much less of that adjustment, in 1994-95, than we did in previous years. We were able to plan for it and work towards it and not have to deal with it on short notice.

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I can't emphasize enough—perhaps we haven't said enough already earlier today—the importance of good labour relations in our business and our relationship with staff, particularly in tough economic times. The staff overall—managers through to front-line people, bargaining unit staff, other staff—have dealt with some very difficult times, and they have affected and created anxiety about job security. We worked very closely with our employee relations committees, wherever we could, to look at ways of dealing with those challenges that provided the most opportunity for our business and the least impact on staff.

I'm very proud of these people. In all cases, they've risen to that challenge, even though it was difficult for them. We've set new records this year: \$5 million. September 30, this fall, was a first time ever reaching \$5 million, and the year isn't over yet. We didn't think we

were going to be able to do that this year, but we said, "We're going to reach for that goal and we're going to try and make it," and that we think is the way to job security and good business in the future rather than just looking at the expenditure level and treating it as a cost as opposed to an investment in business.

I can say on behalf of the commission, every manager and I think many of the communities that we serve, that we're all very proud of these people and how they've risen to that challenge, and I can assure you that they're all very proud of their craft and how they work hard to make sure that our customers enjoy themselves, are entertained and go away happy and go home and tell many people to visit us as well. I think revenue retention has created challenges for us but it's also created significant opportunity, and we're only scratching the tip of the iceberg.

Mr Waters: One more quick question, if I have time.

The Chair: You have one and a half minutes.

Mr Waters: Then I'll turn it over to Mr Wilson.

Mr Gary Wilson: Thanks. Again, a fascinating explanation of what you are up to there, Paul. It was my first trip to Upper Canada, and I'm looking forward to many more trips. Since I've only got a short time, I'd like to say, though, that it seems to me that there is so much potential for development there and, I would think, from all levels of participation by the staff. It seems that they have such good product to sell and that there's again potential for them to develop their areas for it and maybe even go to the other seasons of the year, because it seems to me you're trying to portray what life was like in a 19th-century eastern Ontario village, and certainly life didn't stop at the closing period, you know, when you close. How do you see that as a future possibility; in other words, going through the winter?

Mr Deault: We certainly see opportunities for increased shoulder season activities. We're looking at historical workshops that we've tried to do, and we've done some successfully in the past. Some have worked; some have not. We certainly see the opportunity of revitalizing parts of our winter recreation program. Basically, for us, history works, history is a good business to be in, and we use the talent, the skills, in that product. The key, I think, is to develop and be clear on our markets, what our future markets are.

Mr Morin: I just want to thank all of you—I didn't do that before—for the excellent tour we had yesterday. I came back here last night and I felt very proud to be a proprietor of this. I'm a taxpayer like anybody else. I feel envious of the people who live in this area, because what a beautiful opportunity to go and visit something which is really nice.

For some reason, Canadians are so humble. We don't boast enough, we don't tell people—perhaps we have too much and we take it for granted. All you have to do is to go outside, go and take a look elsewhere and look at what we have. Of course, we're going through some economic times that are tough. But what do we do? We cut off the publicity. How can we make money without telling people what we really have?

Yesterday, Mr Deault, you said yes, the five senses were affected; I could see, I could hear, I could smell, I could touch. I was really alive to go through your place. We're all kids in a way, but I felt really proud to see what I saw. You've created an ideal village; villages that didn't exist in those days because the mill was 30 miles away, the flour mill or the sawmill was somewhere else, but you created it. We saw everything there.

Another thing I'd like to say: I believe that all MPPs should come and see what we have, come and spend a visit, meet with you so that they can boast and travel around the province and, whenever they go outside of the country, say, "We have something nice to offer," and that is that we should be politically involved. All of us should be involved.

I'm told that you have a lot of artefacts that have been given by historical societies, that are donations by different people and you're facing a problem, to keep a record of that and also an area where you can maintain them with the proper temperature and everything.

We've got to do that soon, and if I can talk to the government and influence any of your ministers, Mr Waters, that is an important thing to do, to be able to keep those artefacts and to preserve them as much as we can. What are you doing now, Mr Deault, now to accomplish that?

Mr Deault: I'd like to first say that you've exemplified our most powerful marketing tool and that's word of mouth. It's satisfied, enthusiastic visitors who leave Upper Canada Village and go and talk, as you just did this morning. We can talk about all the money we can spend on marketing, but satisfied customers are our best marketing tool, and you've just demonstrated that from a one-hour, carry-all tour. Thank you very much.

We have 60,000, give or take, artefacts that have been donated from various sources, principally from local residents, local communities. Just a few months ago, the commission approved a major capital project which is being initiated now to properly document all those artefacts and to properly store them and to properly secure them in areas that will not damage them any further. Certainly, it's something that we see being achieved in the next two years, maximum three.

Mr Shaw: I don't want to leave you with the impression that we're not looking after our artefacts. We are looking after our artefacts. We have done so since 1958 to 1961, when we acquired most of them. But we want to make sure that we're meeting current museum standards for inventory, restoration, storage and security, and that's the reason for our new initiative and our new collections policy.

Mr Morin: I just want to underline the importance that it should be done.

Mr Deault: Could I just mention as well that approximately 75% of our artefacts are actually in the houses and are part of the demonstrations, the presentations. They're not all just stored in backrooms. I just wanted to clarify that.

Mr Cleary: As parts of the village are shut down on a rotating basis, if I was a tourist coming into the area,

how many days would I have to go before I would see the whole operation?

Mr Deault: We try to rotate them. So if you came the next day, you would see the buildings that you missed.

Mr Cleary: So in two days, I could see that.

Mr Deault: The ones that are open on a rotating basis, yes.

Mr Cleary: The other thing: Was the miniature rail a big loss to the village when it was shut down?

Mr Deault: The miniature train that's operated at the front entrance of the parking lot is operated by the commission under licensed agreement. Are you talking about the rolling stock that's part of the—

Mr Cleary: Yes.

Mr Deault: That never created any revenues, to my recollection. I wasn't there then, but it was always operated on free admission. Attendance fluctuated. It's been closed for many years. It did not generate any revenues at all. That's not to say that it could not, but first we're looking at a \$500,000 problem of restoring it and storing it before we can open it up.

Mr Cleary: The other thing there that—I think I've only got a minute or so left.

The Chair: You have a minute.

1230

Mr Cleary: We all talked here about how we would like to see the area developed. You as a manager, what would be your wish outside the village, what kind of development would you like to see that would complement the village?

Mr Deault: Certainly Crysler Park development I think is a key ingredient in the long-term success of Upper Canada Village, if we can develop Crysler Park to generate more attraction-based activities, more visitor services, accommodation, food. One of our plans as part of the development of Upper Canada Village is to look at developing what we call a merchants' square at the front entrance of the village as part of Crysler Park to offer our tourists and our visitors opportunities to buy things and to do this through the private sector. So, for me, the future of Upper Canada Village is not only tied in with waterfront development, it's also tied in with Crysler Park development.

Mr Villeneuve: It was most enjoyable, as always, visiting Upper Canada Village yesterday. I think the artefact and historical items was a very serious concern of mine, as have been expressed to me by a number of people. I think you've satisfied my query on that.

Do you have any contractors within the village regarding supplying food or any other type of contractor?

Mr Deault: The foodservices during the operating season at Upper Canada Village are all contracted out.

Mr Villeneuve: Willard's Hotel?

Mr Deault: Through one contractor, Capital Food Services.

Mr Villeneuve: So they supply both the golf course—

Mr Deault: They used to. Now the contractor for Upper Canada Village strictly supplies Willard's Hotel,

the Village Café and the Harvest Barn restaurant. The food facility across the road is operated under a different contract, reporting to the manager of parks and recreation.

Mr Villeneuve: Because that created some concern. As you know, you're certainly the major employer in the area, and that created some concern. Are you satisfied that people who were possibly redundant as employees have been looked after by the contractor as well as was possible within your particular area of jurisdiction?

Mr Deault: The food facilities at Upper Canada Village have been, as far back as I can think of, always operated by a private contractor. The staff who are employed by our current contractor are basically the same staff who were employed by the previous contractor. So there's been continuity. But it's always been—well, not always, but certainly in the last many, many years—operated through a private contractor.

Mr Villeneuve: That, in your opinion, is working well? Are you looking at contracting other services within the village? Are you satisfied with what's happening now? Could you have possibly some savings there if it were to be contracted?

Mr Deault: We're very satisfied with the food-services. It's a very good, symbiotic relationship that provides good revenues for us as well.

Mr Villeneuve: But contracting other services?

Mr Deault: I think there might be opportunities that we've looked at under waterfront development as we look at private partnerships for operating different parts of the waterfront.

Mr Villeneuve: It intrigued me very much to find out that you operate the two parkways at your own expense, and I realize this is more commission than village here. Is there any way you could shed that responsibility? Frank, I guess this would go to you. It seems a little bit not along the line of what should be your responsibility.

Mr Shaw: We actually deal with three or four parkways if you count Upper Canada Road a parkway as well. The Long Sault Parkway is really one large park with a gated entrance. The Thousand Island Parkway is really part of the provincial tourism infrastructure as far as a road goes in the Thousand Islands area. Upper Canada Road is an access to our destination area, and the Loyalist Parkway adviser group was involved with us as a partner in promoting that particular scenic route from Kingston to Trenton.

Each one has come about in a different way, and they all make sense as part of, I think, tourism infrastructure and part of the province's contribution to tourism in eastern Ontario. I guess our business planning has to take a serious look at that as we move in the future as to what will be the right mechanisms and the right partnerships to manage those in the future, because the economic situation and the changing marketplace suggest that the same traditional ways of doing it may not be appropriate in the future and we need to look at more effective mechanisms.

The Chair: Mr Runciman, there are three minutes.

Mr Runciman: No.

Mr Shaw: Could I just add a supplementary remark that I forgot earlier? With respect to revenue retention, I

don't want to leave the impression that, although I am excited and buoyant and it's given us renewed vigour I think throughout the commission at both the staff and the board level, it in itself is the answer to everything.

The chairman spoke earlier today of other policy considerations that will, I think, contribute to an enabling framework working our letter of agreement into a new formal memorandum of understanding that deals with some of those things, and one of the significant features, as I mentioned earlier, human resources, is a fundamental part of our business. Without human resources, we wouldn't be able to achieve the things we do. Although we have financial independence in the sense of our new arrangement of revenue retention now, we don't have full management authority with respect to the management of our human resources, much like, say, the example of the Niagara Parks Commission, which has for many years had its own collective agreement.

I think one of the things that the chairman was perhaps alluding to earlier was, as part of business planning and as part of our discussions with OPSEU and the government, should we look towards developing a collective agreement with OPSEU in our area that is beneficial both to our business and more beneficial to our staff and would be more reflective of the needs of our people and the needs of our business and could become part of the package for our successful future?

The Chair: Thank you, Mr Shaw. In completing this morning's presentations, I would like to join with the comments of the members about how much we have learned, those of us who were not familiar with the parks and the village and Fort Henry. It has been a very comprehensive educational experience, speaking for myself, and I agree totally with Mr Morin that every one of the 130 members of the Legislature should visit the St Lawrence Parks Commission facilities and each of us become ambassador for this wonderful resource that exists down here.

Thank you again, Mr Clarke, for your presentation this morning, and Mr Shaw, Mr Robertson and Mr Deault for your presentation before the committee.

Mr Shaw: Thank you for the opportunity.

The Chair: We are recessed now until 2 o'clock and we will start on time right at 2 o'clock because we have a busy schedule this afternoon.

The committee recessed from 1238 to 1401.

KINGSTON AREA
ECONOMIC DEVELOPMENT COMMISSION

The Chair: I'd like to call this afternoon's meeting to order. We are starting this afternoon with a representative of the Kingston Area Economic Development Commission, and it's Ms Marielle Laplante-Wheeler. Welcome to the committee, Ms Laplante-Wheeler. You're acting senior tourism development officer, I understand. Have a seat there, perhaps the middle seat, and then you're not looking through the water. I know you've been advised that the committee likes to have time to ask you questions, so if you could leave part of your time, as much as possible, for the committee, they would appreciate it.

Ms Marielle Laplante-Wheeler: On behalf of the

staff of the Kingston Area Economic Development Commission, KAEDC for short, I appreciate the opportunity to present our comments with respect to the current operation of the St Lawrence Parks Commission. During the course of the next few minutes, I will touch on specific areas of the St Lawrence Parks Commission's operation, with particular emphasis on Fort Henry, which have a direct impact on greater Kingston's tourism industry. These areas will include the economic impact to greater Kingston, programming, marketing initiatives, revenue retention, staffing, facilities management and investment.

I'd like to start by giving you a quick overview of the importance of the tourism industry in greater Kingston. According to the Greater Kingston Economic Status Report, which was done in 1991, approximately one million tourists visit greater Kingston each year, staying on average 2.6 days and spending on average \$77 per day per adult. So tourism is directly and indirectly responsible for over 8,534 local jobs, which is approximately 13% of the regional employed workforce. The direct annual economic impact of tourism revenue is projected at \$170.688 million. Taking into account indirect results of this tourism expenditure, Statistics Canada multipliers indicate a total direct and indirect economic impact of over \$273 million to the greater Kingston area.

This year, from January to September, the tourist information office, which is operated by KAEDC, is reporting a 23% increase in the number of visitor inquiries over this same period last year.

From a tourism perspective, Fort Henry's economic contribution to greater Kingston is both widespread and substantial. According to a summer survey which was conducted by the KAEDC tourist information office last year, Fort Henry was listed as the number two reason for attracting respondents to greater Kingston, number one being the Thousand Islands area as a whole. Fort Henry's location in greater Kingston therefore impacts on all different sectors of the tourism and service industry, which would include accommodations, restaurants, other attractions, gas stations etc.

Recognizing its economic value to the area's tourism industry, Fort Henry's daily programming and operating season are major considerations for the Kingston Area Economic Development Commission. For instance, with the cancellation of the sunset ceremony this year, several smaller accommodation establishments reported a decrease in business and revenue this year.

I would also like to touch briefly on KAEDC's tourism marketing strategy, as it relates strongly to this point. It can be summed up in a single phrase: positioning greater Kingston as a destination. Our goal is to have travellers consider greater Kingston as the central point of their trip. Therefore, rather than moving on after a day here, we want them to extend their stay. Attractions such as the sunset ceremony at Fort Henry are vital in positioning greater Kingston as a destination. Although substantial enhancements have been made to the day programming at the fort, we still need evening activities that result in overnight stays.

Certainly the St Lawrence Parks Commission has

implemented some new marketing initiatives in the last few years which have counteracted this reduction in the scale of operation at Fort Henry. Outdoor concerts and festivals, such as the Celtic Festival in October, are creative ways to use this venue to attract a greater number of visitors. The availability of this type of venue makes it easier for us to attract touring programs and to serve as the host site for major events. The St Lawrence Parks Commission is also innovative in packaging its attractions with the hospitality sector in an effort to make more sales and increase attendance.

We also feel that it is good news that the St Lawrence Parks Commission is now allowed to retain its revenue. However, we also understand that centralized decisions made at a government level affect their operational costs and flexibility. For instance, negotiated salary increases and the social contract impact greatly on their staffing costs. As the Kingston Area Economic Development Commission is mandated to attract new business to greater Kingston, in so doing creating jobs, we are very concerned about the significant decrease in staffing at Fort Henry since 1988.

In addition, the four municipalities represented by the Kingston Area Economic Development Commission are also expressing their frustration at seeing selected historical attractions being closed and abandoned, for example, Fairfield House. Since the municipalities are not in a financial position to take over such attractions, they feel that the St Lawrence Parks Commission should be looking at new creative ways to keep them open.

With respect to Fort Henry facilities, we would like to see a new long-term lease from the federal government to allow for investment in new areas. For instance, a dock for cruise boats and visiting ships—for example, the tall ships rendezvous, which took place this past summer in greater Kingston—built at the fort would allow us to expand our inventory of attractions and events, thereby contributing to greater Kingston's economic base.

In closing, I hope that this short presentation has given you a good overview of our comments with respect to the St Lawrence Parks Commission, and thank you for allowing a representative of the KAEDC office to join you here today.

The Chair: Thank you very much. We have eight minutes per caucus, and we're going to start with M. Morin.

Mr Morin: I want to thank you for your representation. I arrived a little late, but I had a chance to glance at it. When I look at the ripple effect that it has on the city of Kingston, we are facing economic tough times, all of us, and I'm just asking a question, a very naïve question, if I can put it this way: Would the city of Kingston be willing to contribute some form of finance to help, let's say, Old Fort Henry, not only to survive but to make it even more attractive? For instance, you say the sunset rendezvous was cancelled and it had an effect on the businesses. Do you think the city would be interested in getting involved?

Ms Laplante-Wheeler: The Kingston Area Economic Development Commission represents not only the city of Kingston but the three other municipalities in the area,

which include the townships of Kingston, Ernestown and Pittsburgh. With respect to your question, this year, with the cancellation of the sunset ceremony, the tourism advisory committee, which is part of the Kingston Area Economic Development Commission—it's a subcommittee—formed a small committee to assist Fort Henry or offer comments with respect to the sunset ceremony and any type of assistance that they would require, but no financial assistance was discussed.

Mr Morin: Do you think it would be an idea that would be accepted, because we all have to participate, when times are tough especially. You're taking advantage of it, and it would certainly be a form of showing even more your deep interest in maintaining it, because everybody benefits from it.

1410

Ms Laplante-Wheeler: From what I heard yesterday, we had our board of directors' meeting, and the four heads of councils sit on the board of directors. As I mentioned in the presentation, they were going the opposite way. They expressed their frustration because some of the attractions operated by the St Lawrence Parks Commission were closing and just being abandoned; if the municipalities wanted them to open, it was at their own cost. As you can appreciate, they don't have large budgets, so it's to the detriment of other of their services, such as fire prevention and other activities.

Mr Morin: What about working in cooperation with the parks commission?

Ms Laplante-Wheeler: Through the tourism advisory committee, and I'm speaking strictly on a staff level with the KAEDC office, we would certainly, as I said, be able to work with Fort Henry in assisting them.

Mr Cleary: Welcome to the committee. I might only have a question or two there, and I guess it would be, in your position, what do you think the St Lawrence Parks Commission can do to attract more people to the area and keep them here longer?

Ms Laplante-Wheeler: Again, as I touched on in the presentation, I think we want to try to establish greater Kingston as an overnight destination and not a stopover, a one-day stopover en route from Toronto to Montreal and Ottawa. We want people to make this the central point of their stay. So we need evening attractions, events, that will keep people overnight. That not only helps the accommodation sector but also the other attractions in greater Kingston, because if they stay an extra night, they may want to go and visit the other attractions in the area. I really think events are the way to go, events such as the sunset ceremony or other events, concerts. The Celtic Festival has proven to be very successful as well. Major events I think are a great way to attract visitors.

Mr Cleary: Do you think the new municipal services that are being put in right now in the Kingston area where the sunset ceremony took place will be an added attraction and will be good to be able to sponsor more events like that?

Ms Laplante-Wheeler: I'm sorry, the municipal services?

Mr Cleary: Yes, like the new sewer that's going in to the—

Ms Laplante-Wheeler: Again, I'm not quite familiar with that. That's more in the individual councils. As a KAEDC representative, I can only speak as far as tourism as a whole. I can certainly tell you that events definitely would be a great way to attract more visitors to the greater Kingston area.

Mr Cleary: Yes. That was a major expenditure that we heard yesterday, almost three quarters of a million dollars I think to put the sanitary sewer in.

Ms Laplante-Wheeler: Is that right?

Mr Cleary: Those were my questions, Madam Chairman.

Mr Villeneuve: Thank you for your presentation. We had a very interesting tour of the Fort Henry facilities. It's my understanding there are about four rooms that have been completely refurbished on the one side of the section of Fort Henry, which now can accommodate conferences and serve meals. Because of its location, it appears now that once the sewage facilities are installed, this would be actively promoted as a destination point for a one-, two- and three-day convention, with I'm quite sure the ripple effect of people being accommodated within the greater Kingston area.

Do you feel, as a representative of the tourist region around Kingston, that your tourist operators would be nervous about this? In other words, the private sector tends to look with some sort of scepticism when the government, in this case the St Lawrence Parks Commission through Fort Henry, gets involved in that type of industry. Do you feel some nervousness from the people within the industry that you represent?

Ms Laplante-Wheeler: Not in my own experience, no, and actually, conventions and attracting conventions is a major consideration for KAEDC and is something we're working to expand in the next few years, mostly on the request of the local operators, because convention delegates bring so much dollars in revenue to the area, and everybody benefits. The fact that they would use Fort Henry as a site to hold their convention means that they would be in greater Kingston and that they would visit other attractions, perhaps other restaurants, and of course stay at accommodations.

Mr Villeneuve: So the feeling in general of the industry is that this would be complementary to the tourist sector as opposed to possibly be in competition with the private sector?

Ms Laplante-Wheeler: That's my feeling about it, yes.

Mr Villeneuve: As a point of destination, where would you, as the development officer, be targeting? Are you targeting out of province or the Toronto area, out of country? Where are your target areas to bring tourists to your region?

Ms Laplante-Wheeler: We target mostly the eastern Ontario area, Toronto, western Quebec and the north-eastern US. Those are our major target markets, so basically within a two- to three-hour drive from the greater Kingston area. That's for basically the visitors

who come by car. We get quite a few group tours as well, and they tend to be European and Asian in origin. I can just speak to that. In September of this year we had over 190 buses stopping in just at the tourist information office, and most of them seemed to be from France.

Mr Villeneuve: Where do you feel your advertisement is most successful?

Ms Laplante-Wheeler: Again, it varies every year. This year we felt that with the US dollar, we've certainly increased the number of visitors from the American side. Also, we found the Canadian side, especially the Quebec market, has increased this year because of the US dollar and they're staying at home, preferring to spend their money at home. We do a lot of co-op advertising with the Eastern Ontario Travel Association and our local partners as well in those markets.

Mr Villeneuve: In early August I had the opportunity, with my wife, to visit the Niagara Falls area. They were complaining that their numbers were down, primarily because of the casino in Windsor. As a tourist person, a tourist development officer, do you feel that the tourism industry of the Kingston area would welcome a casino in your area?

Ms Laplante-Wheeler: Definitely. It has been discussed many times at our tourism advisory committee. I should perhaps just elaborate a little bit. The tourism advisory committee has members from each sector of the tourism industry, so it's represented by the accommodations, events, restaurant, shopping sectors etc, and they have recommended that we should pursue a casino in the greater Kingston area.

Mr Villeneuve: My colleague from Brockville would have one or two questions here.

Mr Runciman: You've mentioned in your submission you've had a 23% increase in the number of visitor inquiries over the same period last year.

Ms Laplante-Wheeler: That's correct.

Mr Runciman: What does that translate to in terms of business levels in Kingston and area? Do you have feedback on that from—

Ms Laplante-Wheeler: Well, we used the study that was done in 1991 by the chamber of commerce and the Queen's school of business as a guidepost. They found that most adults spent on average \$77 per day. So this 23% increase in travel, which represents about 100,000 people, just through the tourist information alone, would give you an idea of the amount of dollars that are—

Mr Runciman: What I was getting at is, I guess you haven't had feedback from your businesses in the tourism and hospitality areas indicating they've had that kind of an increase in business this year. They haven't really?

Ms Laplante-Wheeler: The KAEDC office does a survey midsummer and at the end of the summer with the operators. We're still conducting the end-of-summer survey, but in the midsummer one we asked 48 different tourism operators and they all reported increases, except for a few.

Mr Runciman: Earlier today Mr Shaw, the manager of Fort Henry, mentioned that they'd had a 1% drop, I think it was, in terms of people going to Fort Henry,

given the increase that most operators have seen this year because of the dollar and other factors. He considered that a significant success story, given the fact that they dropped the sunset ceremony, and I forget what the other element was in terms of attractions.

1420

I remember the news stories at the time when they were taking the sunset ceremony out. There was quite a bit of concern in the Kingston area in respect to how that would impact on the greater Kingston area. Was there ever any discussion of anyone else funding that through the private sector, through the chamber, through other organizations, who said: "Look, if this is going to impact on us in a negative way, perhaps we can foot the bill to ensure that this continues"? Was there ever any discussion of that nature, and if not, why not?

Ms Laplante-Wheeler: I'm not sure. When we became aware that the sunset ceremony would be cancelled, it was already the beginning of this year. As I said, the tourism advisory committee was the one that discussed it at length, and at this point they haven't discussed maybe footing the bill for financial assistance, but I guess it would have to be discussed with the municipalities.

Mr Runciman: I hope you do. I think that's the sort of thing you should be looking at.

Mr Gary Wilson: Welcome to Cornwall, Marielle.

Ms Laplante-Wheeler: Hi. How are you?

Mr Gary Wilson: It's nice to see you here. It's nice to leave Kingston but still talk about it in this kind of concentrated way.

I think you missed this morning's presentation, but we had the admission—well, maybe "admission" is putting it in the wrong light—the wish, perhaps, that more MPPs were aware of the marvels or the gems we have to offer in this area. I was thinking, when I read some of the background to the work that KAEDC has done through brochures and other kinds of material to attract tourists, that we should have had some ready to hand here that we could show around. I think it's something you and I should get together on, to make sure that MPPs get a package of the material. Some of it has won awards, and they can use it in their own areas as well as read it to find reasons to come to our area.

Ms Laplante-Wheeler: Definitely.

Mr Gary Wilson: I wanted to begin by making that pledge, and also to commend KAEDC for its work in producing those very effective tourism materials.

I would like to go into the issue of the sewage system upgrade that's under way now, to point out that by the time it will be completely upgraded it will be about \$900,000 of provincial money that is being spent on what is a crucial development there. It is a very old system; after all, the fort was built in the 19th century and hadn't had, I think, a major overhaul of its sewage treatment system. This is, as I say, a crucial project and one that shows the provincial commitment to Fort Henry. Giving that kind of money in this fiscal environment shows a strong commitment to the fort.

As to some of the other decisions that have been made

regarding the sunset ceremony, of course nobody likes to see programs cut back, but at the same time, I think they have to be done with a regard to the data you accumulate. As you know, it was actually phased down, shall we say; it went through a few steps where people in our area could have stepped in if they felt it was in danger of being stopped, if that kind of partnership had a possibility of being formed, as opposed to, say, looking at possibilities in other areas, both with the fort and in other kinds of activities like the summer festival, for instance, to try to put into place the tourist attractions that will mean Kingston becomes a destination.

I'd like you to comment on that: the possibilities, as you see it, of using the tourism advisory committee, for instance, bringing together all the people involved in it to come up with ideas around the fort. For instance, the dock is a very good example, and some of the things we've discussed this morning would be activities centred on bicycling, for instance.

Ms Laplante-Wheeler: Definitely. One of the points that came out again strongly from discussions at a staff level and also at the tourism advisory committee was the fact that Fort Henry was still federal government property and that it kind of stopped some of the investment possibilities at the fort. They were quite concerned about that, so I think we should mention that. The dock is a prime example.

Mr Gary Wilson: You've raised a good point. Partnership doesn't always just mean money, that you have to contribute money, but you could come up with ideas and support for things like the kinds of arrangements that, say, Fort Henry has with the National Defence department. It's an interest that everyone in the area has, and therefore the more support you can build up for changes that will work to the benefit of the area, that's a good forum for that kind of discussion.

Ms Laplante-Wheeler: I agree.

Mr Gary Wilson: I was wondering about, I guess locally, how the fort can be used. You mentioned the Celtic Festival, which has been such a success. Is this something the tourism advisory committee does consider, the various attractions in the area and how they can be developed? Do you feel you have a good mechanism for discussing these projects with something like either the manager of Fort Henry, John Robertson, or going beyond, to the parks commission of the St Lawrence?

Ms Laplante-Wheeler: We have other committees as well. We have the Events Kingston committee, for example, which is more of a support group for events that go on in greater Kingston. There's a representative on the tourism advisory committee, actually, from the Events Kingston committee who would basically make recommendations about what type of events would be successful in greater Kingston. Certainly, as far as KAEDC is concerned, we're looking at anything that can attract more visitors to greater Kingston; whether it is an attraction as such or an event, certainly we're interested in seeing more of that.

Mr Gary Wilson: Do you think there's a clear idea of what the priorities are as far as tourism spending goes? For instance, should it be in attractions? Is there enough

money for marketing, for instance, or do you think we're reaching the markets we should be and perhaps that's where more money should be spent?

Ms Laplante-Wheeler: As far as KAEDC is concerned, or St Lawrence parks?

Mr Gary Wilson: As far as KAEDC goes with our area, and whether that would lead to discussions with the St Lawrence Parks Commission, for example, either to have a formal partnership in marketing perhaps, or in setting the priorities, for instance, if there are projects you see the need for that could be developed at Fort Henry, where you'd be able to come forward with the suggestions as well as maybe some money.

Ms Laplante-Wheeler: We participate in a lot of cooperative projects with Fort Henry and the St Lawrence Parks Commission in terms of advertising. They support our partners program; they advertise in all our publications, which is wonderful. In that case, our marketing is really in sync with each other; we have the same markets in mind when we do advertise.

Mr Gary Wilson: As far as Fort Henry goes, how do you classify that as an attraction? It's obviously rooted in the military background, but how do you see it?

Ms Laplante-Wheeler: I think it would be a historical attraction, but a major one, since we find it's the number one attraction that is visited in greater Kingston, after the Thousand Islands as a whole. The Thousand Islands being an area, we don't consider that an attraction as such. Fort Henry definitely would be a number one attraction for the visitors when they come to greater Kingston.

Mr Gary Wilson: How do you see the development going forward there as far as its being a sustainable attraction? With the analysis you've done of the tourism market now, what do you see in the future there and what kind of development should be taking place at the fort?

Ms Laplante-Wheeler: Certainly, Fort Henry has tried a few events which have been very, very successful. Having the Tragically Hip over was quite successful, and the expansion of some of their events, having visiting bands coming as well, was quite successful; also, the expansion of their facilities as well.

The Chair: Thank you very much. We appreciate you appearing before the committee this afternoon, Ms Laplante-Wheeler.

Ms Laplante-Wheeler: You're welcome, and thank you very much.

1430

EASTERN ONTARIO TRAVEL ASSOCIATION

The Chair: Our next deputation this afternoon is Mr Ronald Huck, the president of the Eastern Ontario Travel Association. Welcome to the committee, Mr Huck. I'll explain to committee members that we are a little short on copies of Mr Huck's brief; those of you who do not receive a copy will receive copies when we return to the Legislature, because we do not have copying facilities here. And Mr Huck, please leave time for the committee members to ask you questions.

Mr Ronald Huck: That's right. It's a pleasure to be

here today. I think it would be more pleasurable being outside in this beautiful eastern Ontario sunshine and weather today. However, we do have some important things to put before you, so I'll forgo that beautiful day for the sake of this committee.

Again, thank you for the opportunity of permitting the Eastern Ontario Travel Association to present our views to you here today concerning the St Lawrence Parks Commission. The parks of the St Lawrence are totally located within our area of jurisdiction as EOTA and are important economic player within our region.

As I look around the committee, I know some of you are familiar with what EOTA stands for, but just to enlighten you perhaps I should explain it. The Eastern Ontario Travel Association, better known as EOTA, was created by the provincial Legislature. There are 10 of them across the province representing tourism in their various areas or regions.

We have a jurisdictional area from Napanee in the west, to the Quebec border in the east, the St Lawrence River in the south, including the nation's capital in the northeast along the Ottawa River, and Algonquin Park; 26,000 square miles in total. It's a big area we are responsible for, marketing tourism for all the people in that area. We also, a couple of years ago, picked up the responsibility for central Ontario, which basically is from Yonge Street east, and joining Napanee, our western boundary. We have a major responsibility, and are second only to Toronto in terms of numbers and dollars generated by tourism in our area—quite a significant factor for eastern Ontario.

More jobs are created by tourism, as you probably realize, than agriculture, mining, utilities and forestry combined. Tourism receipts in the province of Ontario alone in 1993 were estimated at \$17 billion and generated over \$8.8 billion in taxes, or, as a percentage of receipts, approximately 52% of the gross receipts generated in taxes.

What did the province of Ontario, in turn, reinvest back in the tourism industry? It was a niggardly \$8.1 million. This, in the same year of 1993, represents a gross reinvestment, as a percentage, of 0.48%.

In my business as a tourism operator, and if you speak to other business people who are in the tourism industry, the average reinvestment is approximately 3% to 5% of their gross receipts. So you can see where we sit as far as the tourism industry in this province is concerned, when the reinvestment of one of our largest partners is not there.

There's also a lack of commitment by the province of Ontario to marketing, not only in Ontario but also into Quebec and the state of New York, a major market for eastern Ontario. The budget for Quebec alone by this province—and I want you to listen carefully, because I'm not making a mistake when I say it—is \$30,000 to market Ontario in Quebec. So where is the partnership here? It's not a partner I'd want in my operation, I'll tell you that.

Needless to say, the federal government on that scene is, as ever, discouraging. We were ranked 10th in 1991,

down from sixth place in 1986, in Canada's share of world tourism. Ladies and gentlemen, we are declining in our popularity. Canada spends less on marketing than Bermuda does, and about the same that American Express spends on marketing that with their American Express card you get ahead of the line, that you can go to the theatre and get ahead of the line. They spend \$10.5 million marketing in Ontario alone that one concept. You can see it's very discouraging from a tourism point of view.

Thus, with this obvious lack of support from the province and the federal government, tourist attractions therefore play a major role in traffic generation not simply as attractions but, more importantly, as marketing partners.

The St Lawrence Parks Commission, which encompasses Old Fort Henry, Upper Canada Village, the parkways, the parks of the St Lawrence, is the largest attraction in eastern Ontario, bar none, and is a valued partner in the Eastern Ontario Travel Association. It is a major participant and contributor to our Eastern Ontario Travel Association cooperative programs, cooperative programs like the video we produced in cooperation with CJOH. If any of you are interested, I'd be more than pleased to leave a copy of that video for you to see how cooperation in tourism between the operators and the attractions works very well.

We made a major map project this year to get eastern Ontario as a base map. The St Lawrence Parks Commission was a major partner in that project. In terms of our Discovery Guides that we send out to people around the world and to our other marketing areas in Quebec and New York and the rest of the United States, the St Lawrence Parks Commission again is a major player there with full-page ads. So they are a very valued partner and contributor to tourism in eastern Ontario.

The budget cutbacks that are continuing I believe impede the ability of the St Lawrence Parks Commission to be a full and effective player and partner and will damage tourism in this region. I believe that government must distinguish between cutbacks that reduce waste or, in more simple terms, reduce the fat, if you want to call it that, and cutbacks that ultimately reduce revenue dollars, or in other words really cut into the meat of the operation. Remember that government taxes 52% of every dollar generated by the tourism industry; government then is the major loser if revenues decline.

When government is not playing and paying its fair share as a partner, then attractions such as the St Lawrence Parks Commission are doubly important to tourism in eastern Ontario and to our organization. Changes in the St Lawrence Parks Commission over the past five years have not yet had a large effect overall in the eastern Ontario situation as far as tourism is concerned, although there have been some local effects. However, further cuts that affect core programs, length of the operating season, quality of the marketing staff, are of major concern to myself and to my organization, the Eastern Ontario Travel Association.

Increasingly, tourism is shifting to the shoulder seasons. As an operator, I can attest to this growing market.

April and October can be very, very strong tourism months. If any of you wish to come to my operation this morning or this afternoon, you will see what I mean. We probably had about 15 or 20 buses in this morning. I can't send them to the St Lawrence Parks Commission, Upper Canada Village or Old Fort Henry. Unfortunately, they're closed. Group travel buses pass straight through our region via Highway 401 in the shoulder season because attractions are closed and there is nothing to entice them to stop and spend money in our area. European clientele is big business, and Quebec is marketing and servicing this growing market.

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Just as an aside, when they talk about moving the Tourism ministry to Niagara Falls, it's probably a great concept. But I'll tell you, Quebec is waiting in the wings. If they already don't have an office open, they'll be scooping the tourism right from under our noses.

The next area I'd like to look at is the capital investment by the St Lawrence Parks Commission. In major, new tourism attractions have not kept pace with competing attractions in New York state, nor in Quebec. Look at the massive development at Mont Tremblant. It overshadows tourism attractions in eastern Ontario.

The St Lawrence Parks Commission product is not dramatically different from what it was 25 years ago. I can remember taking student groups to Upper Canada Village. I was there last spring—not much change. What is the lure to go there? What is the lure for the locals to go there? What is the lure for the people of the province to go there? What is the lure for the people from around the world, the international world that we're looking at now and are facing in eastern Ontario? What makes them want to go there? What is new? If a tour operator asks me that when I attend a show, what do I tell them? "Sorry, nothing."

We're missing the point. We're missing the boat. Take a look at the Walt Disney concept in Florida, in California, in Europe, the concept of development and showmanship. We don't have to reinvent the wheel up here. Let's take some of those ideas and those concepts and develop them in eastern Ontario. We've got a commission that can do it. They've got the expertise. Let's give them some funding and keep their season open in the shoulder seasons, but add to the attractions, something every year.

Most of you have gone to Disney World in Florida. If you haven't—I think you're in a fantasy world when you're in Toronto, so you might as well go to the fantasy world down there. But at least you'll see, every year when you go there, something new, one added little feature. If you went there this year and you go back next year, there's something new to attract you. That's what we have to have in eastern Ontario.

EOTA supports the closing of unprofitable operations, but why are they unprofitable? There have got to be reasons. Let's look at them. Did we do something wrong? Are they too closely controlled? Are they not given enough leeway? Let's correct it. Are we replacing those closed parks with profitable new attractions? Why the delay in leasing closed parks to the private sector? My God, if the government can't do it, at least give the

private sector an opportunity. If you give an opportunity to the private sector, we usually succeed.

Why has the St Lawrence Parks Commission failed to negotiate a private sector group for the development of a golf course resort that was promised at Brown's Bay? There was a big hoop-la about five or six years ago on that. It died on the vine. We never heard any more. You can't get information because in the past the St Lawrence Parks Commission meetings were closed. You couldn't even get the minutes of the meetings. That's since been opened up a little bit, but I'd like to know the answer to that. Perhaps this committee could find out. This is at Brown's Bay. That was three years ago. Let's see what action we could do on that. Private developers are out there. It's a choice piece of property closed down, not being used.

Why is the St Lawrence Parks Commission apparently only concerned with leasing closed parks? Let's put the private sector in and revitalize some of the parks we already have and make them attractive for tourism so that we can encourage more people to come here. Must EOTA and the people of the province accept that all this land be kept in a state where it makes no contribution to tourism? That's what it's doing now. I don't think the taxpayer will be happy with that.

What is the mandate of the St Lawrence Parks Commission, and has it operated within its mandate and the responsibility to its fullest for the benefit of this region?

When the Premier of the province goes on international trade missions, why is the St Lawrence Parks Commission representative not along, even to carry the baggage perhaps? But at least we could show major investors the opportunities we have in eastern Ontario, especially along the corridor of Highway 401 between Quebec and Napanee. Why does the St Lawrence Parks Commission not have the authority to act in this fashion?

Why is the marketing department so understaffed in the St Lawrence Parks Commission? I have to deal with them. This is firsthand experience, ladies and gentlemen, that operators are not able to find anyone to make packaging deals for an eastern Ontario experience. What do I mean by that? Every hotel, motel and resort attraction should be able to negotiate on admission tickets at reduced rates to sell in their packages for their rooms.

If the Royal Brock Hotel in Brockville or the Lord Elgin in Ottawa or the Ambassador in Kingston wants to put a package together to encourage someone from outside our region or within our region to spend a getaway weekend here, we can package all of these things together at a reasonable rate, a competitive rate, and by doing so encourage people to come. At the moment that is a very, very difficult proposition to achieve.

If Old Fort Henry cannot be run profitably as a fort, then why not lease it to an entrepreneur? Perhaps we can get Garth Drabinsky down here and run it as a theatre. I see some smiles on your faces. Perhaps that might be the answer.

Mr Runciman: We heard that line this morning.

Mr Huck: You did, this morning? I'm sorry, I was in Perth this morning, so I can't be told that I was contribut-

ing it to someone else, okay? But it's out there. There are entrepreneurs out there who would love to get in on some of this land, this prime, choice land and develop it, because we create jobs through tourism.

Are there any steps afoot to take over the fort? I know the St Lawrence Parks Commission or the province doesn't own it; it's owned by the feds—a choice location. Are there any steps forward to look at that perhaps, to take over that area?

Cycling: We have one of the most beautiful bicycle paths in this province, between Gananoque and Brockville, very greatly used but it needs to be developed. There need to be cycling competitions. Who's taking the lead on that? That's something I would like to see, that the St Lawrence Parks Commission in its mandate develop that so we have trails from Kingston through Cornwall and back up to Ottawa. Those are things that we should be looking at in the mandate for the St Lawrence Parks Commission in the future.

Why are there no developments of hotels and inns and condominiums that you've got down here by the private sector at the Crysler Park marina, a choice piece of land? Being a marina operator, if I had that kind of land next to me, I'd be in there pretty quick with a developer. The market's there. If you don't believe it, I'd like to speak to some of you after and give you examples of it, but I won't take your time now.

Why is the St Lawrence Parks Commission not working with Parks Canada, our other major player in eastern Ontario that holds a great deal of land along the waterways of eastern Ontario? They could make the St Lawrence Parkway, the Thousand Island Parkway that we have here, a world-class ecotourism experience.

That's what the people from around the world want now, people from Japan, because we're experiencing that. They don't want to come into Toronto any more. They're coming from Paris. They don't want to see another Paris again; they don't want to go to Montreal; they don't want to go to Toronto. They want to get out and experience the life, the ruralness of Ontario. Where can they do that? They want to look at growing flowers. They want to see cattle in the fields. Agricultural tours are becoming very, very major in our area now, so ecotourism along the Thousand Island Parkway, in cooperation with Parks Canada, would be an excellent avenue for the St Lawrence Parks Commission to be looking at.

We have no interpretative services. Beautiful park, beautiful area for that type of thing, but there are no interpretative services there presently. There are no information centres. You have to go and find it. I think we're afraid that if we give out the information, someone might come. There are no activity areas because the parks are all closed. There are no canoe rentals. There are no food or beverage services. Those things can be developed very, very easily. We only have restrictions and no economic benefits.

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I suspect, as I've said all of these things, and I can see it in your eyes: "Well, he's talking out of his hat. Where the hell is he getting the money?" That's major on all our

minds right now. Well, we're giving you a lot of it. I told you, we give 52 cents out of every dollar currently and it leaves a little bit in our pocket to develop our attractions and our tourism in eastern Ontario.

But you would probably say that the St Lawrence Parks Commission then has neither the right policy framework nor the adequate funding to make these things happen that I've pointed out. This is not new. We've heard this for 40 years, since the St Lawrence Parks Commission has existed. Every type of government, every colour and stripe of government has told us exactly the same. Well, the harsh reality is that eastern Ontario has been out of sight and out of mind by all governments when it comes to the real needs of the tourism industry.

I was in Perth this morning, speaking to the eastern Ontario chambers of commerce. They're organizing because they want to be heard in Toronto. They don't want to be the poor second cousins in eastern Ontario who get none of the pie.

The largest attraction in eastern Ontario's largest industry does not have the funds it needs to serve us well, and that is the St Lawrence Parks Commission. It needs:

(1) Full authority to deal with its lands and assets as an owner, subject to the usual planning and development constraints. I'm not proposing to you, as president of the Eastern Ontario Travel Association, that we develop wetlands or we sell off heritage resources. But if we've got all of these assets and we're not using them, let's sell some of them off to the private developer, take some of those funds and put them into the development of tourism and develop our attractions even better.

(2) The full authority to deal with the workforce under its own collective agreement rather than something based in Toronto. Leave it to eastern Ontario to look after it.

(3) Access to adequate financial resources to provide continuing economic growth and job creation, rather than perpetually shrinking resources from governments that treat the St Lawrence Parks Commission as a regular department of government. We're tired of that in eastern Ontario.

(4) We should have, under the St Lawrence Parks Commission, the ability to freely set its rates, so if I want to go and make a deal with it for room rates, tied in with that attraction, whether it be Old Fort Henry, a park of the St Lawrence or Upper Canada Village, they can negotiate freely with me and not a set rate that I can't be competitive in the marketplace in France, Japan, China, Spain, South America or wherever it might be. We have to get on with doing business. We can't have bureaucratic delays. God only knows, I sat at the government level, the federal, and when you get into that bureaucratic nightmare, they can take so damned long to make a decision, the tourist would be here and gone home again. We cannot afford that infinite, as I said, bureaucratic delay.

(5) We need a commitment from the government to support those aspects of the St Lawrence Parks Commission's attractions that can never, ever show a profit or a return to the tourism industry, and those are the Chrysler battlefields, our parkways, our historic properties and our

heritage collections. Those can never show a profit, so those have got to be taken out and there's got to be a commitment by government that that's a separate funding operation.

In conclusion, the St Lawrence Parks Commission is an important, even essential, aspect of Ontario east tourism. Like Niagara Falls, the St Lawrence River and the Thousand Islands can be a world-class gateway to the province of Ontario. Give us the policies and support and we'll build and sustain our economic future. Tourism is the largest industry in the world, tourism is the key to jobs in eastern Ontario and, ladies and gentlemen, tourism is eastern Ontario. Thank you.

The Chair: Thank you, Mr Huck. We have about one minute per caucus, so I guess it's time for one question. We'll start with the Progressive Conservatives.

Mr Villeneuve: Thank you, Mr Huck, for your presentation. We drove by your place yesterday and there was a cruise boat, I believe, almost full of possibly Japanese folks heading out. You emphasize shoulder time. Are you telling us that the attractions, ie, Upper Canada Village and Old Fort Henry, should be open till November 15?

Mr Huck: At least the beginning of November, perhaps November 15. The traffic is there. Why not use it?

Mr Villeneuve: I certainly appreciate the fact that you came and spoke to us as members of the provincial Legislature in the spring. Your message was loud and clear and it remains very much unadulterated, loud and clear. I hope we're all taking it home with us. Thank you.

Mr Waters: I'd just like to say that you talked about basically things that we talked about this morning: revenue retention—we've just given it to the parks commission; the ability to set their own rates—they don't have to go to government. They have to go, yes, to their board, but not to government any more. We gave them that at the same time. We have been proactive.

When I came into the Ministry of Tourism in 1990, we were looking at 1950s-type marketing. I could never understand why Kenora and Kingston were on the same pages of the marketing book. You've seen a definite move by this government in the last few years to regional marketing. Kingston doesn't compete with Cornwall, or shouldn't be. They're part of the same market. They should be enhancing each other's product and that's what we have to get through and that's what we have been doing. It's a hard sell. I know, coming from Muskoka, how hard it is to sell to neighbouring communities that they are no longer going to compete, that they would have to work together.

I guess one of the things I keep hearing is dollars. At the St Clair Parkway Commission, all of the municipalities that are part of that commission pay into it. They pay a levy every year. Yet we hear from the people in Kingston, "Well, we want the sunset ceremony but we don't want to pay into it," because there were discussions about copaying for that, and no, they didn't want any part of it. They wanted the province to pay it.

I think you're indicating that we'd have to go through

this as partners, and I agree. But all of the partners had better start trusting each other and working together, and I agree with that. The feds under the Tory government wouldn't even allow their field staff to talk business with the province. Now, with the Liberals, at least they're allowing them to talk business, but the frustration must have been incredible.

Mr Cleary: Welcome to the committee. I guess I would have to refer to what you say in the third page of your brief, "Why the delay in leasing closed parks to the private sector?" We got assurances here this morning that they're moving in the right direction on that and there should be proposals out this fall. But we've heard that before.

Anyway, I'd just like to know this other one that I'm not quite familiar with. Is there interest, still, in that Brown's Bay park and campground? Is there still interest there for what you said, a golf course?

Mr Huck: Could be. God only knows. We didn't hear any more about it. It was a big flash in the newspaper and then went underground.

Mr Cleary: Why I'm asking that, if they're going to call for proposals, I would like to have that included in there.

Mr Huck: I would certainly like to see it in there. It would be a great boon to the area.

Mr Cleary: Is my time up?

Interjection:

The Chair: Mr Curling, I'm sorry, we're out of time.

Mr Curling: I was just wondering, the social contract, the impact it had on—

The Chair: Mr Curling, you could ask your question at the next round.

Thank you very much, Mr Huck, for your appearance before the committee this afternoon.

CORNWALL REGIONAL VISITOR
AND CONVENTION BUREAU

The Chair: Our next deputation this afternoon is Ms Janet Parisien. Welcome, Ms Parisien, to the committee. You are the executive manager of the Cornwall Regional Visitor and Convention Bureau, and you have someone with you whom we don't have on our agenda. Maybe you could introduce yourself, please.

Mr Dick Aubry: Good afternoon, Madam Chairman and members of the committee. My name is Alderman Dick Aubry, of the city of Cornwall, but more importantly, I'm here today as president of the Cornwall Regional Visitor and Convention Bureau.

The Chair: And who is making the presentation?

Mr Aubry: I'll make the presentation and I'll call upon the expert if I get into hot water with your questions.

1500

The Chair: All right. You have half an hour, and the committee would like to have time to ask you questions at the end.

Mr Aubry: We have half an hour? We'll take considerably less than that.

The Cornwall Regional Visitor and Convention Bureau would like to take the opportunity of thanking the standing committee on government agencies for this opportunity to present under your review of the St Lawrence Parks Commission. The visitor and convention bureau is an incorporated, non-profit organization that has but one priority: to promote and develop tourism in Cornwall and the Seaway Valley, which includes of course the counties of Stormont, Dundas and Glengarry.

The bureau was established in February 1993; I think there's an error on our submission. We have initiated and participated in many promotional opportunities and advertising campaigns that encourage the development of partnerships among tourism operators in our region. We believe the future growth of tourism depends on these types of cooperative, cost-sharing ventures.

The St Lawrence Parks Commission presently operates many attractions within the geographical area known as the Seaway Valley. I think I'll be repetitious, but I'll name them anyway: Upper Canada Village; the Upper Canada golf course; Queen Elizabeth Gardens; the Upper Canada migratory bird sanctuary; Crysler Park marina; the Long Sault Parkway; Riverside-Cedar campsite; McLaren campsite; Mille Roches beach, picnic area and campsite; Glengarry picnic area and campsite; Crysler beach and picnic area; and the Woodlands beach, picnic area and campsite.

The St Lawrence Parks Commission's 1994-95 marketing plan indicated some new directions and initiatives. As of April 1, 1994, apparently the commission will move in a new direction. It will allow the attractions to build on business opportunities that have been lost in the past due to its financial structure. It will be entitled to retain the revenue generated by admission fees. This new direction will play a large role in the development of programming and associated marketing strategies.

We believe the future growth and development of the St Lawrence Parks Commission's attractions depend on its ability to look closely at each of its attractions independent of each other. We also believe the commission must be given the opportunity and must take the initiative to enhance services and facilities when it's indicated that there is future potential profitability. It also must join forces and develop promotional campaigns that enhance our collective marketing muscle in the marketplace, thereby generating positive economic impact that will benefit the commission's attractions as well as other tourism operations in the region.

In 1994 the visitor and convention bureau did see a more collaborative and cooperative attitude on the part of the commission. Unfortunately, this did not translate into new 1994 cooperative promotions because these opportunities were already planned and executed earlier in the year. Until 1994 only a few co-op opportunities existed where other tourism operators, attractions and events in Cornwall and the Seaway Valley could participate or were encouraged to be a part of the joint initiatives with the commission's attractions. This we believe was a result of the corporate marketing strategy being used at that time, which promoted all of the commission's attractions in one package regardless of geographic location.

Many of the commission's own documents highlight the new and developing trends in tourism that reflect the results of studies and analyses done by provincial, national and international organizations:

—Mass marketing is being replaced with target marketing.

—Mass production is being replaced with mass customization.

—Consumers are more price-conscious and are looking for better deals and discounts.

—Mature adults demand quality in products and services. They want to learn and participate in educational and cultural opportunities and they are concerned about the environment.

—Visitors/consumers are looking for greater customer service, and their enjoyment and safety are the keys to positive word-of-mouth advertising.

—One- to three-night getaways are the most popular. People want to escape without spending a lot of money. They plan their getaways in a much shorter time frame.

Without going further into the various reports on new tourism trends, the visitor and convention bureau would like to make the following point: All attractions must be evaluated as they relate to these trends. It is likely that in many cases, after proper evaluation, the commission's attraction will have to be enhanced or improved in order to provide the kind of experience the travelling public is now looking for. This of course cannot be achieved easily, quickly or inexpensively.

In the short term as well as the long, there is an easy, quick and affordable way to potentially increase revenues at the various commission attractions: the development of packages and cross-promotional campaigns with other tourism operators in the attraction's immediate vicinity. Packaging and cross-promoting other services and experiences such as accommodation and other attractions and events in the region will, to the visitor, create a more attractive and appealing getaway package. These types of packages and promotions will only serve to complement the commission's attractions.

We want to congratulate the St Lawrence Parks Commission, the commissioners, management and marketing team for developing the following objectives as outlined in their marketing plan. There are four:

(1) To develop consumer-driven strategies based on sound marketing research and consultation with public and private sector tourism partners.

(2) To focus on collaborative efforts and strong partnerships with key tourism players and the ministry.

(3) To develop and strengthen present and potential tourism partners during both the regular and shoulder seasons.

(4) To continue to build on promotional opportunities as a venue for presenting the facilities of the parks of the St Lawrence as part of an overall tourism destination; that is, build on value incentive packages in conjunction with partnerships.

We hope that these are not just words and that the commission will indeed continue to develop and cultivate

new and stronger relationships with tourism partners in each attraction's immediate vicinity to everyone's mutual benefit.

On behalf of my board of directors and the members of the Cornwall Regional Visitor and Convention Bureau, we would like to say thank you for giving us this opportunity to present to you today.

The Chair: Thank you, Alderman Aubry. There are seven minutes left per caucus, and we start with the government members in this rotation.

Mr Gary Wilson: Thanks a lot for your presentation, Mr Aubry. I'd like to actually go to just near the end where you have, as you see it, the four objectives from the St Lawrence Parks Commission. The second is, "Focus on collaborative efforts and strong partnerships with key tourism players and the ministry." I was wondering whether you see the municipality as one of the key players here and just what kind of role the municipality would play in this approach.

Mr Aubry: First let me say that the municipality I happen to represent funds about 95% of the budget of this particular organization, so I don't think you can ask for much more commitment in terms of a partner than that.

Mr Gary Wilson: By "this organization" you mean the Cornwall Regional Visitor and Convention Bureau?

Mr Aubry: Right. Some of our funds come from our membership fees, and of course we expect in the future—we're only barely a year and a half old—that that portion of our funding will grow rapidly, we're hoping.

I wanted to ask Janet: The four objectives here of course come straight from their documentation?

Ms Janet Parisien: They do. They come directly from the 1994-95 marketing plan that's put out by the St Lawrence Parks Commission.

Mr Gary Wilson: Sure. It was just that, as I say, I wanted to clarify or to make sure that you saw the municipality, through your convention bureau, as being a player as well. I missed your budget there. Did you list your budget?

Mr Aubry: I don't think we did, but it's on the order of \$205,000 a year.

1510

Mr Gary Wilson: That's a considerable budget for something that you have just started.

Mr Aubry: Basically, what my municipality did some year and a half ago was privatize this bureau. It used to be a department within city hall. We felt, after a steering committee did an extensive study, that it would be better if somehow this could be modified so that it was industry driven, even though the municipality continued to be a major funder of the organization.

Mr Gary Wilson: You say "a," but it's actually the major funder.

Mr Aubry: The major funder, yes.

Mr Gary Wilson: Could you give us some idea of how that has worked out, then? First of all, did the budget change over that period when you went from a department—

Mr Aubry: The budget actually stayed the same. Indeed, we took a hit, as did everybody, when there were some reductions in budgets a year or so ago.

Mr Curling: Social contract.

Mr Aubry: Social contract and the like. But so far we're very, very pleased. We're very, very pleased because the board of directors, an eight-person board thus far, is made up of six industry people who represent accommodations, the retail industry, one from an attraction and one from restaurants.

Mr Gary Wilson: And each of them pays a membership fee? Is that how that works?

Mr Aubry: Indeed, yes.

Ms Parisien: We have a member of the St Lawrence Parks Commission on our board as well, somebody from their marketing staff.

Mr Gary Wilson: As you might have heard earlier, the question was raised of just how deeply municipalities should get involved in contributing resources of either time or money to various projects within their borders. Have you any thoughts on that?

Mr Aubry: I personally do. Municipalities have for many, many years spent considerable dollars on economic development, the industrial smokestack type industries. Why would one treat this industry any differently? From a municipal government point of view, I think we must be committed to this kind of business, because it's the business of the future.

It was in our judgement something that could best be driven if it had people from local business, particularly business associated with tourism, sitting on the board and making the decisions. It just so happens that I'm this year's president. I expect to be the outgoing president at our annual meeting in a month's time. That was perhaps more of a transitional kind of thing, going from city hall to this more independent organization.

Mr Gary Wilson: What should be the guidelines, say, for the cooperation between elected bodies and private sector bodies? For instance, it was suggested earlier that as long as the standards were quite clear at the beginning, say as far as permitted development goes of an area, or I would say probably as to the characteristics of an attraction, what would be allowed as far as the kinds of attractions that would be permitted, you could attract private sector support—again, as long as it was clear what was allowed. That wasn't the issue.

Mr Aubry: No.

Mr Gary Wilson: In other words, I guess the issue is not the types of controls. It's the fact that they're up front, that people understand what is permitted at the beginning.

Mr Aubry: Yes. This bureau is the kind of daily operating arm. The municipality has retained its authority or the ability to get involved in capital projects. The budget that's allocated to this group is purely expense: marketing, salaries and so on. When it comes time to develop some project where capital moneys would be required, then city hall would get involved, because we don't have a budget for that kind of thing.

Mr Gary Wilson: Have you anything to point to recently where the municipality has contributed capital money?

Mr Aubry: In terms of tourism?

Mr Gary Wilson: Yes, tourism projects.

Mr Aubry: I guess the biggest one in this municipality is the ongoing work we're doing with our waterfront, which takes the form of improvement of the parks but also is taking the form of urban renewal. A big part of our waterfront, as my two friends over there know, is part of an old cotton mill establishment that of course doesn't have much economic activity today. So the plan is to do some interesting kinds of things down there: housing, a mix perhaps of other kinds of commercial ventures. There is one office-administrative type building in one building that used to be part of the cotton mill. So, yes, we're going in that direction.

Mr Gary Wilson: There is private sector involvement? Just to be clear, there is private sector development before the project was developed?

Mr Aubry: Indeed there is, yes.

The Chair: Thank you. Mr Curling.

Mr Curling: In the little time I have, I'd like to ask a few questions and leave some time for my colleague here who is quite the expert in Cornwall.

Two paragraphs, paragraph two and paragraph three of your presentation, grab my attention very much. I know what all of you are trying to do and I'm sure you've accomplished some, with the challenge you have with government policies and things like that which keep you restrained, in order to promote tourism. I would say that it seems to me you're moving in the right direction.

There are two questions I want to ask. I know that we can set up all kinds of attractions here and we can do many things. I just wondered, though, have you ever visited Toronto with a promotional team to attract people, to say, "Come to Kingston and come to the St Lawrence Parkway"?

Ms Parisien: You're referring to marketing efforts directed to the Toronto market?

Mr Curling: Yes.

Ms Parisien: We've done a number of things. We not only deal with the travel trade, which is the general visitors; we also deal with the convention-and-meeting potential visitors. We've done trade shows in Toronto, the Toronto travel and leisure show. We've done a convention oriented show. We've done sales calls in the past directly to associations and groups. We look at all different markets. We feel this region's biggest potential right now for immediate return in increased visitors is Ontario, Quebec and the United States. So those three areas are the target markets that this organization presently goes after.

Mr Curling: The reason I ask is because I just wondered, maybe I'm reading the wrong paper and all that. I think the more people knowing about this—and that's the whole idea—the more will come. The traditional sales may be okay, but the untraditional ones may also be very helpful.

The other question I want to ask, and I have asked it before, is the matter of the transportation costs. This horrendous cost of transportation—air and land and water and everything—in this country is just beyond me. Have you ever used any package deal to attract people or approached the government to buy into any kind of package deal in Via Rail to attract people to these directions?

Ms Parisien: No, we haven't. The only times I think we've approached either airlines or Via Rail have had to do with conventions. For instance, when we hosted the Ontario Winter Games in 1993, we did approach both airlines and Via Rail to look at moving large groups of people through with a discounted rate in special—actually, we called them the “games train.” There was not the ability to negotiate the kinds of rates that made it worthwhile, especially with Via Rail. We thought we had a deal, and it didn't work out.

Mr Curling: I just hope that somehow we can work out some type of package deal where people can come and it doesn't cost you \$150 or so just to visit this area.

Mr Cleary: Welcome to the committee and thank you for your brief. I know that in a short time, the regional tourist bureau has had a lot of success stories. I congratulate you for that.

I would ask a question to either of you. When you talked about partnerships, I know that you and some of your committee have been very supportive in trying to get our closed parks reopened. I guess my question would be, what do you think this committee or the St Lawrence Parks Commission could do that would make your job much easier?

Ms Parisien: That's a big question. Do you want to tackle it?

Mr Curling: Get rid of the social contract.

Ms Parisien: If I could maybe begin, I think, for instance, that the exercise the St Lawrence Parks Commission is presently going through, which is a number of focus groups and a search conference, is a very good process. I was involved in the first focus group. It's involving a lot of key players. Hopefully, though, the information at the end of all of this will not be another report that gets filed. I think that with the kind of information that's being given and the company that is sort of pulling this all together, we'll end up with a report that will go to the government that will be very clear, will have specific suggestions, and hopefully the government will act on it.

1520

Mr Cleary: When do you expect that report is going to be out?

Ms Parisien: I don't know. From my understanding as one of the participants, the focus group that I attended last week, there's a search conference, which includes the focus group participants and others who are supposed to sit down the beginning of November. Then the company that's been hired, basically that's pulling this all together, I've been told anticipates that this will be happening some time in November; so fairly quickly.

Mr Cleary: The one thing that I wanted to ask too is,

and I should have asked one of the members of your board before, do you intend to expand your board? Like Dick said, he's the chairman this year. You have seven others besides the chairman, is it, Dick?

Mr Aubry: Yes.

Mr Cleary: Is that as large as your board is going to get?

Mr Aubry: One of the things that we would like to have in the future, like to see in the future, is that the united counties would join with us in this venture. Those of us in this business for any length of time see the folly of having more than one organization attempting to do the same job. We would get, I think, a combined, synergistic effect if we had those people with us. Should that day come, and I'm hopeful it will, then I think we would have to expand our board by several seats at least to effect representation from a broader geographic area.

Mr Cleary: So that's your goal. You don't plan on going beyond the counties?

Mr Aubry: No, that's our goal. We're steaming full speed ahead, even though that partner isn't with us today. But it's our sincere wish that one day they will be, and so we're just going about doing our business in the best possible way we can. Hopefully, we'll impress them that we know what we're doing, and they will want to be part of a joint effort.

Mr Cleary: The Chairman's cutting us off again.

Mr Villeneuve: Thank you very much, Ms Parisien and Mr Aubry, for your presentation. It's interesting that one of your suggestions is to develop a consumer-driven strategy based on sound market research and consultation. Do we not have that now?

Ms Parisien: I think that is actually not one of our suggestions; it's actually in the 1994-95 St Lawrence Parks Commission marketing plan. I would have to say that all tourism organizations and tourism operators individually have got to improve that type of research dramatically. I think organizations like ours are in a position where we try to be leaders and facilitators to create these cooperative opportunities, to pool resources, to create greater impact. But what we see is that the front-line operators have got to better identify and research their own clients and potential clients.

Mr Villeneuve: I personally feel that government has a role to play to prepare the groundwork, but the private sector I think must be the one to make it happen, based on sound prognostications.

I recall well when I was first elected to the Legislature. There was a convention-type hotel suggested for the Morrisburg area in the immediate area of Upper Canada Village, and it actually threw terror into the owners of small motels in that area at the time. Now, I guess it had not been researched or sold or had participation in the discussion, because we had people crying foul, “The government's going to compete.” While the government should not be competing, there's got to be a way to work together here. This convention centre may well have been a reality had there been a little more consultation and input from the private sector. A group of people might have come in and invested there as opposed to being very

negative on it right at the outset because they were, and rightly so, justified that competition directly from a government is not what we need.

I think this is the type of situation that you're trying to present here, that government should be at the grass-roots level getting the information prepared and then the prospectus goes out to the private sector. I believe that's what I read into what you're saying. Do you have any ideas recently, being close to the private sector, what direction eastern Ontario should be going in to attract more people?

Ms Parisien: I think there are a couple of very key issues; one is that we can talk about government and operators. I guess this organization is somewhere in the middle. What we're trying to do is: How can tourism operators in any given region, whether it's Cornwall, whether it's the Seaway Valley, whether it's eastern Ontario, have a united voice, present a case, be part of a process of development in tourism in a positive way unless they further develop a more united voice? I think as organizations we're all going through major overhauls to try and facilitate that, that we bring them together. Then there is already a communication link.

That's the first step, because government can establish all sorts of new things, but if the industry itself—as you just pointed out in Morrisburg, you have independent operators then reacting to how it affects their business, which of course they will. That's their business; they have to look after the bottom line. So, for instance, what we're attempting to do, what the Eastern Ontario Travel Association is attempting to do—now our organization is a member of EOTA; many of the things that Ron Huck has spoken to you today about we very much agree with—it's our role to help that process both with government and with the operators and somehow play a role to try and help bring that process together.

Mr Villeneuve: The really obvious ones are the closed parks, ie, Charlottenburgh and Raisin. Those are natural spots. People are there begging to open them up under the private sector banner, and we've had some major problems in trying to get everyone's act together. Those are the real obvious ones, but getting the people here—and let's say we do get them here. Give me an example. The Long Sault Parkway to Ingleside, where there are some of the finest waterways, I think, anywhere, you go from Long Sault to Ingleside via the long route after you've seen it. What sort of long-term leases should the St Lawrence Parks Commission be looking at to possibly set up in that area?

Ms Parisien: If I can suggest, through the first focus group, there was a lot of discussion about potential growth, changes, everything from whether some of the lands get sold off versus just a lease; if you open the doors, what are the various options? I think there are a lot of people in communities and in regions who are willing to help that process, but they aren't presently being consulted. I think municipal and regional economic development departments are being very aggressive in that way. They're the people who can help, I think, if they're consulted and there's some formal consultation, as the parks commission presently is doing, with busi-

ness, with tourism, with various people. If it's done properly, I think you'd get a lot of your answers right there.

Mr Villeneuve: My colleague from Brockville.

The Chair: Yes. There's a minute left.

Mr Runciman: The question was raised earlier about municipalities playing a role in assisting the commission. I know we talked about the sunset review at old Fort Henry, the fact that the commission felt that wasn't affordable, and it had quite an impact in terms of the number of people attracted to old Fort Henry. But no one, apparently, in the Kingston area, whether it was the chamber of commerce or the economic development commission of the city or whomever, was prepared to try and raise the funds to maintain that attraction.

I'm just wondering what kind of a role you would see the municipalities playing in terms of supporting these kinds of things and offering assistance to the commission, where they're hard-pressed to find the dollars to maintain some of these attractions. Do you see a role there, and how would you see it functioning?

Mr Aubry: Yes, I personally do. What is it, four or five years ago now that Ontario Hydro closed the visitor reception centre? At that time, the local municipality, when given the decision of Ontario Hydro to close that—and that was a good little tourist attraction for this area. People used to be able to tour the whole dam site, be able to go up into the viewing area, watch a movie on the creation of the dam and the hydro development and view the region from—

Mr Villeneuve: The eel ladder?

Mr Aubry: Yes, the eel ladder. All of this was a good attraction for this area, and they decided to close it. As a municipality, we pleaded with them to give us the opportunity to underwrite and run it. Unfortunately, they said no.

The Chair: Thank you for your appearance before the committee this afternoon, Alderman Aubry and Ms Janet Parisien.

1530

GANANOQUE AND DISTRICT CHAMBER OF COMMERCE

The Chair: Our next deputation this afternoon is Ms Sylvia Fletcher. Ms Fletcher is the tourism marketing coordinator with the economic development committee for the town of Gananoque. Welcome to the committee, Ms Fletcher.

Ms Sylvia Fletcher: Thank you for having me.

The Chair: I know that you were asked to leave some time, if possible, in your presentation for our committee members to ask questions. Please proceed.

Ms Fletcher: I guess everybody has this, and maybe they'd like to look it over first for a minute just to see, rather than me read along. If everyone would like to look that over just to—

The Chair: If you would like to go through it, that's probably the best way.

Ms Fletcher: Okay, I'd like to address a few things that aren't in there. This was, I'm afraid, done rather

quickly because of time restraints. So on the way down I actually had my mother read it over so I could get some other ideas, and I did leave out some things that I'd like to bring up first maybe, the first one being the travel trends changing. The seasons are extending themselves as far as travellers go, and it's a real disappointment and problem in the area when everything's closed as of Thanksgiving Day.

When you're trying to broaden the tourism base, people are discouraged when they arrive, first, when everything is closed at 5 o'clock and, second, when it's closed Thanksgiving. Buses are now coming in at the beginning of April and want to come in March, but there isn't anything for them to do. I'm not sure how to solve the problem. It's the same with closing at 5 o'clock, whether it be Fort Henry or Upper Canada Village. I know this year in our office the inquiries were up about 40%, and a lot of times when they come in and I try to send them through to make sure that they take in Upper Canada Village and Old Fort Henry and are aware of all the attractions, they are disappointed that it's closed at 5 o'clock. They may take a boat tour and it's closed, and I know I have the same problem with the shops in Gananoque and area.

We're not really addressing tourism the way it should be. There isn't entertainment in the evening. Whether some of the attractions open later, and I don't just say the St Lawrence parks attractions—in Mexico they have a siesta time—if there's a practical way to close down and open back up, because at 5 o'clock it's just like everything is closed. If you go to the US side, everything is open, there are people milling around. I just feel that really should be addressed somehow. I don't have all the answers; it's great to come with problems, but food for thought.

Also, too, beaches are one of the biggest inquiries I have in our area. I do feel that the west end of the parkway is neglected or has been this past year somewhat, because I've had many complaints from tourists who you send to a beach—unfortunately, we don't have a beach in our town itself. But this Thousand Islands travel guide, they put out 225,000 copies from the bridge authority. I have hundreds of people bring in this guide, and they want to know where this beach is.

So I think we have to look at even the smaller beach outside of Gananoque to keep travellers here longer, if there was a place to swim. Instead, they've removed the garbage bin and washrooms from the parkette across from Landons Bay. It wouldn't take a lot of money to enhance the first, Gray's beach, at the west end of the parkway. I think they are things that wouldn't cost a lot of money and could create a longer stay and more interest in the area.

I don't know whether anybody here—probably everybody here—has thought of the infrastructure money. The maintenance of the Thousand Island Parkway bike path, I don't know whether that is in that jurisdiction. I have to say I'm not well versed on that, but I understood that the infrastructure money was to maintain; everybody's using it to develop, which is great too, but we need to maintain the things we already have. I don't know whether money

could be applied to make sure that is maintained, and also the development and advertising of the bike path, because trends are changing to nature and there is a lot along the parkway that the parks commission has. I do think that has to be addressed as well.

I know one of the girls from the park who works for the parks commission said that attendance was down at Fort Henry but profits were up. I'm happy that they're up, but attendance in a banner year like this year should not be down. So I think something has to be looked at again when even the sale of fishing licences out of our office for the US was up 40%. The inquiries, the people coming in, were up 40%. Why should Fort Henry be down in attendance? I think they're things that need to be looked at. They do a good job. I'm not condemning anybody here, but there are things.

I think because people do look for things in the evening, whether it be boat tours or whatever, the morning is not the busy time. It is not the busy time. I don't know what the stats are like at Fort Henry or Upper Canada Village, but I know most people come in in the afternoon or come off the boat and want something to do then.

Another thing, and I'm sure that you've thought of it, that seems to be opening up is that they've formed an association for scuba diving. In my submission here it says from Gananoque to Cardinal, but it's from Kingston to Cardinal. I think that can certainly create a lot of tourism and should be a top priority for the parks commission to look at, because it certainly takes in your whole area in there. I think that will be a good growing thing.

What else is here? As I told you, I wasn't well prepared for this. I do appreciate Upper Canada Village and Old Fort Henry, and it is a very important part of our tourism. We need it. We have to have it. It is a big industry. I do think we have to look for new ways to work together cooperatively in co-op advertising efforts and whatever to get the message out for everything.

I also wondered, and these are questions I guess, does the parks commission take out memberships with chambers of commerce or whatever? I know we're tourism. We have the pictures up on the wall. We have their brochures. Have they ever thought about commission sales tickets, getting the outlets to sell the tickets? I know one girl was in from Fort Henry and I told her I was interested, had to leave, and was never back. But sometimes you can get a lot more exposure with things like that.

I hope maybe you are considering doing something with the bike path as well. I guess basically I've covered just about everything that's in here.

The Chair: All right. Thank you, Ms Fletcher. That leaves seven minutes per caucus, and we're starting with the Liberals and Mr Morin.

Mr Morin: Before I ask a question, I'd just like to make a statement. I don't know if you feel the same way I do, but with all the witnesses that we had—we have important ministries like the Ministry of Health, the Ministry of Education and Training, and while we spend

money hand over fist, we seem to neglect the ministry which, to me, is becoming louder and louder all the time: the Ministry of Culture, Tourism and Recreation. I don't think we give enough importance to it. These are the people who are needed to bring in the dollars so we can afford good health care, so we can afford good education. We spend left and right, but we don't bring in any money.

1540

As far as I'm concerned, the ministry of tourism and the ministry of trade are the two main ministries the Premier should have beside him. All of us have failed—not only you; the Liberals have failed, the Conservatives have failed—to recognize the importance of that ministry. We have the most beautiful resource, yet we leave them aside. We don't know how to take the opportunity, how to take advantage of our assets. No wonder people go elsewhere. I hope that we, in our report, can stress the importance of tourism, that it is a business, that is a way of life, and we should take all kinds of measures necessary to promote it.

Madam, one suggestion I could make to your chamber of commerce. Who's your member? Is it Kingston and The Islands, Gananoque?

Mr Villeneuve: This fellow right here.

Mr Morin: That's right. Put pressure on Bob. Put pressure on Noble. Put pressure on me. Let members know how important it is that we should promote our tourism industry.

You're coming here, you're making a presentation in front of us. We'll make a report. There are piles and piles and piles of reports at Queen's Park that are read five minutes and then put aside and everybody ignores them after that. The only way to do it is that when the election campaign comes in, ask your member, ask the candidates: "What do you plan to do as far as tourism is concerned? How important is it for us in eastern Ontario?"

I think it was Mr Clarke yesterday who mentioned, and also Mr Huck, that Toronto seems to ignore eastern Ontario, and I believe that, I strongly believe that. The only way for us to do it is to bring it constantly to the attention of our colleagues at Queen's Park.

I feel sad when I hear this, when we know the problem and we know the answer to the problem, yet we fail to spend money to promote our business. I found the person who gave a presentation before you, Mr Huck, extremely stimulating. I found the others, the commission, stimulating. They recognize the problem, and yet we let the bureaucracy dictate to us what we should do.

There is a way that we can work cooperatively, can work together and achieve one goal, and that's for the benefit of all Ontarians. That is our job.

I've said a lot. It's not a political speech; I'm sincere when I say that. Let's make sure that in our report we stress the importance of tourism. Madam Chair, that's it.

Mr Cleary: There's not much left to be said. I'd like to thank you for your presentation. We share your concerns. We've had a lot of presenters earlier who have mentioned what you mentioned. The only question I would have, and I maybe asked some of the others, is

what do you think would be the most important thing the St Lawrence Parks Commission could do? I guess your goal is to keep visitors over another day or two, or a week. What do you think would be the best way they could help you do that?

Ms Fletcher: I certainly think they do an excellent job with the resources they have now. It is a key part of tourism in the area. That's where I did suggest not a costly upgrade of beach: replacing garbage bins and garbage pails. The parkway is a beautiful area, and I did get many complaints this year because of the garbage under Landons Bay bridge where many out-of-town people fish, and the lack of picnic tables along there to enjoy it. They are some of the things that could be done, but I know there are money restraints. I certainly do respect the St Lawrence Parks Commission and everything it does do, and that they are interested in listening to what needs to be done.

I knew after Mr Clarke and Mr Huck spoke that I really didn't have to say a lot of the things that they did, because they do it very well and with a true commitment. I back them up 100%. It is true that tourism has always had to take a second seat, and it is a very important industry, especially for eastern Ontario. I think working together and co-op advertising efforts are the best way to do things, and input, maybe more meetings with operators or people in the area to see what their ideas might be.

Mr Cleary: Once again, thank you for your presentation.

Mr Runciman: I want to indicate that I do get my share of pressure from the chamber of commerce, not necessarily from Sylvia but from members of the chamber. I think the Gananoque chamber is one of the most progressive and successful chambers in all of Ontario, if not all of Canada, and certainly that's indicated by what happened this summer, the Festival of the Islands and all the great things that happened in Gananoque. We even attracted the NDP caucus to Gananoque, and I'm sure they had a great time.

Mr Gary Wilson: You don't do much for us, Bob.

Mr Runciman: The people in Gananoque may say something different, Gary. I hope so, anyway.

You talked about the shoulder season, Sylvia, and I wanted to mention that that doesn't apply just to the parks commission. I remember—this may have changed—in the fall a year or two ago, in the shoulder season, coming back from Queen's Park. I was almost out of gas and I wanted to buy gas in my riding, so I took a chance and got to Gananoque. It was just about two minutes past 10 and I couldn't find a gas station open in Gananoque. Luckily, I was able to make it back to Joyceville, but I had my fingers and toes crossed. But that's also the sort of service that I would assume the travelling public are looking for, a gas station that might be open at least until midnight; those kinds of services have to be provided as well. I know you can't do much about it when it's the private sector.

Some of the things you raised I'm glad you did, about the garbage bins along the parkway. I agree with you that this is the first summer I have noticed significant amounts

of litter along the parkway. The only complaints I had about the garbage bins, ironically enough, were from summer residents whom I suspect were utilizing those garbage bins to get rid of their own garbage. That may be part of the problem the parks commission has to deal with: cottage summer residents who, rather than paying for garbage pickup, are stuffing these garbage bins with their own litter, and that turns out to be a costly exercise for the parks commission. How we can police that, I don't know, but I think there has to be some way of getting those bins back in place and policing them.

We talked about the municipalities that benefit from the commission's activities and land holdings and attractions, that there may be a role for them to play. Perhaps this is the sort of thing that municipalities could assist in, garbage pickup and looking after picnic tables and those kinds of things. There could be that kind of division of responsibilities, where we're all involved and we're all sharing and we're all benefiting. Perhaps with the tough times, we have to look at these kinds of innovative partnership arrangements as well.

I'm curious about your views on the signage. I mentioned this earlier to Gary Clarke, the chairman, that my view with regard to the signage at Gananoque and also at the eastern entrance to the parkway is that we don't have enough signage there to encourage people to get off.

One thing I thought is like the American major cities: They have a little map which shows there's easy linkage. If you get on at Gananoque, you can link up 22 miles down the road and there's no problem; vice versa, if you go on at the east end, you can get off at Gananoque. It's an easy read, a big sign. I find, this summer especially, with feedback from my daughter, who is running a business in the parkway, an awful lot of inquiries about that sort of thing. I'm wondering how you feel about the signage.

Ms Fletcher: There are things that still need to be included in the signage. It is true. I use the St Lawrence parks map that shows the parkway. I know the Thousand Island Bridge Authority just put out a map, which I proofed, and they hadn't even put the Thousand Island Parkway on it, so I made sure it was on there. It doesn't show up.

I always ask people whether they come from the east or wherever. I feel that the parkway is an attraction in itself and try to encourage anybody to take it, but it's true, most people coming from the east don't go on the parkway. They didn't realize it was there, didn't understand what it was, and it's beautiful, a beautiful drive. It does need to be addressed. Signage on the whole needs to be addressed, but it does on the parkway because people miss it all the time. They come back to tell me they really appreciated it, that they drove down the parkway. I do feel isn't advertised well enough, along with the bike path and everything. There aren't any signs there. It's a well-kept secret, and it really should be taken care of. That's where, just as you come out of Gananoque, there used to be a nice beach to swim in, but now people don't even consider it a beach, which is a shame.

Mr Runciman: Is that because of maintenance?

Ms Fletcher: Yes.

1550

Mr Villeneuve: I recall that several years ago there was a million-dollar fish out in the lake somewhere off Gananoque, off Kingston. Did that stimulate a lot of activity in tourism, to your knowledge?

Ms Fletcher: I can't honestly answer that, I don't know whether it did or not. But I do know that fishing is on the upswing, and it's something that isn't paid close attention to by anyone. It's dollars, and people come for days, not just a day. It's neglected even in our own chamber. It's not treated the way it should be because it does put a lot of money into the area.

Mr Villeneuve: Do you have charters go out from Gananoque or the immediate area?

Ms Fletcher: Yes.

Mr Villeneuve: Have they been busy, to your knowledge?

Ms Fletcher: They were busier this year than last year, when it dropped right off, but they're not as happy with it as—they feel they could be busier.

Mr Villeneuve: I believe there was a 40- or 42-pound salmon caught off Brockville or in the Thousand Islands.

Ms Fletcher: A muskie. There was a 44-pound muskie caught last August just around Gananoque.

Mr Villeneuve: My colleague Bob tells me there was a salmon at Jones Creek, which was the largest salmon caught anywhere: Lake Ontario or in the St Lawrence. These people generally come with a lot of money, and they seem to think they've got to go into northern Ontario or some God-forsaken place, and yet we have it here. Sorry, Dan.

The Chair: The mayor of Mississauga caught a 47-pound salmon off Mississauga South riding.

Mr Villeneuve: No comment.

The Chair: You know what Hazel's like. She's likely to come out here and get you.

Mr Waters: You talked about infrastructure dollars and the bike path. Just to make it clear, infrastructure dollars are municipally driven. Indeed, at the provincial level, unless they're contrary to some law or something, we very much leave it up to the municipality, and I believe the feds do too. The agreement is that the municipalities drive those dollars, so if indeed you want to put dollars into bike paths or anything like that out of it, it would be the municipalities you would talk to.

At the same time, when you talk about expanding and putting money into tourism infrastructure, within our ministry, with JOCA, Jobs Ontario Community Action, I look at what's happened in my riding and in a number of ridings in central Ontario that I've worked with, principally around Georgian Bay. We created the 1994 Marine Heritage Festival out of that type of funding, which was a marketing venture. We used existing festivals primarily, with one other function or one other specific weekend being taken up, and the rest of it was just coordinating the marketing for around our district. The St Lawrence is an ideal place to do that type of thing, and there is funding available to do it. What you have to do is sit down with the field staff, either with your chamber or

your tourism marketing group—the preference is regionally—and bring those things together.

As to the tourism signage you mentioned, Mr Clarke, who was here this morning, actually is on the committee. I agree that the signage isn't there, but we're doing a pilot project. My pet thing is that we have a yellow stripe across the top; maybe what it should have is "Eastern Ontario Tourism Area" or something to define the area within the province, so that if a person's looking at a regional tourist map, "Here we are," and they know where they are. There are things that have to be done. This is a pilot; it's the first year of it. In all my life, and I represent Muskoka-Georgian Bay, we've never had tourism signage by any provincial government.

The move is there. Really, we have to become better partners at it. That's what I think you're asking for also, is a better partnership and knowing where they are. I agree, fishermen are a wonderful source of revenue, especially with all the backwater you have here; because of the flooding you have a lot of shallows, so it's a wonderful area for fishing, and it isn't marketed well.

Cycling is probably going to be one of the biggest booms in tourism in eastern Ontario in the future, and we all have to come together and do that. I would say that the park commission at this point is probably one of the principal players in it and is showing leadership in that.

I guess it's more making a statement than asking a question. I agree with a lot of what you said. I don't mind sitting down after the meeting, if you have some questions about JOCA or any of these things, and working them out with you.

The Chair: Then would you like to let Mr Fletcher ask a question?

Mr Waters: Yes.

The Chair: Mr Fletcher, you have four and a half minutes.

Mr Derek Fletcher (Guelph): I don't usually go that long.

I had an interesting summer. I went around the province—not the whole province. I did a week in Killarney park where I did some canoeing, and I took another week—I'm from Guelph—where I started off in Niagara Falls for a couple of days, went to Bracebridge and that area for a couple of days, then went around to Ottawa and stayed there for a couple of days and then drove back through Guelph.

Maybe I'm a different kind of tourist, but before I left I did a lot of background reading on where I was going. For instance, the Group of Seven was big in Killarney; some of the lakes had suffered from acid rain; the voyageurs who went through, the sense of history and everything else. Niagara Falls, the same thing: Father Hennepin, when he first saw the falls, and the development of the falls. Same thing for the Bracebridge area. And going towards Ottawa, the logging that went on that started the country, really, as far as expansion was concerned, that and the fur trade; then going to places such as Wilno, the first Polish settlement in Canada, and Eganville, places like Barry's Bay.

These things were interesting to me and had a sense of

history, as part of what makes Ontario and how Ontario developed as a province and how Canada developed as a country. The information I was getting, I was getting from tourist areas, from tourist boards. There was one in Guelph I got information from, also writing away, and also going to my local library. I had an itinerary, before I went anywhere, of where I wanted to go. Are most tourists who are coming like that? Do they have an itinerary? Do they know what they're getting into? Or is that information available?

Ms Fletcher: Do you mean do we have an itinerary?

Mr Fletcher: No. When tourists come here, is the information available of what they can see?

Ms Fletcher: Oh, yes. We in our office try to promote the whole area and have information on everything in Ontario as well as Quebec. We really try to do that. That's where cooperation works: "Don't miss Upper Canada Village. Don't miss Ottawa." We do have it, and we have the EOTA Discovery Guide as well, and really try to promote everything. That's where cutbacks—we stay open, put in a lot of voluntary hours until 7 and 8 o'clock, even now, and people are so thankful to get a tourist information place open. That is sad, because instead of, when tourism's growing again, everybody's cutting back, and that isn't a good way to make things work.

1600

Mr Fletcher: You touched on an interesting point. One of the things I found frustrating when I was going through all these other little towns in Ontario was that at 5 o'clock the sidewalks were rolled up, or there wasn't a venue for entertainment, and yet that's what I wanted. When I went to these places, I wanted that entertainment. The most you can get in some places is maybe a dinner theatre if you're lucky. I don't know if that's the business climate that places are closing down, or is it that people aren't realizing that tourism is picking up? I don't know.

Ms Fletcher: I think it's both, actually, and I think it's hard to change and look at things differently, but it's like our office slows down about 4 o'clock, and then about 6:30 you're going crazy. You can't keep up with the people coming in, because they've already done the boat tour or they've just arrived or whatever and they want you to supply them with information. They want to be told what to do. You know, they want day trips of the area and everything else. They're really appreciative of it, and they're happy we're open so late in the evening.

Mr Fletcher: One more second?

The Chair: No, I'm sorry, only because everybody's asking me, to be fair, Mr Fletcher.

Mr Fletcher: You're always fair.

The Chair: Thank you very much.

Ms Fletcher, I'd like to thank you very much for your appearance before the committee this afternoon.

Ms Fletcher: Well, thank you for having me. Sorry I wasn't a little better prepared.

The Chair: No, you were well prepared. You had a lot to contribute. Thank you.

TOWNSHIP OF FRONT OF YONGE

The Chair: Our last deputation this afternoon is representing the council for the township of Front of Yonge, if this gentleman would like to come forward, please. Just have a seat anywhere that you're comfortable. Could you tell the committee your name, please?

Mr Edward Wight: My name is Edward Wight. I am a councillor in Front of Yonge township. I should begin, Madam Chairman, ladies and gentlemen, it's a pleasure, indeed an honour for me to represent the corporation of the township of Front of Yonge this afternoon.

Front of Yonge is one of the smaller of the 18 ridings in Leeds and Grenville, and we're very fortunate. We're in the Thousand Islands. We're blessed with the Thousand Island Parkway, maintained by the St Lawrence Parks Commission. We're also blessed by the parks commission owning some very prime, some very enjoyable land to visit in our township. However, it's from this ownership of land that we do have two problems. I've tried to outline them as concisely as I could on the papers that you've received.

If you turn to the map, all the land that is highlighted in orange is land that is owned by the parks commission. It's a very sizeable block. It is between 1,800 and 2,000 acres in size. You can see that a great portion of our waterfront is also owned by the commission, and it's with this very prime land that's being tied up with a government agency that we have a problem.

We receive \$4,109 as a grant in lieu of taxes, and that is a rate that was established in 1984 and has been unchanged since then. The impact of this is, when you have so much prime, valuable land tied up with a very small grant, it means the remainder of the ratepayers in Front of Yonge township have to bear the burden. Indeed, we have property owners in the Jones Creek area who are on less than one-acre lots who pay in taxes significantly more than the parks commission pays for the close to 2,000 acres of land as a grant. We have one land owner in the township who pays approximately nine times the parks commission grant in the way of taxes. Back in the 5th Concession—it's not on this map, but as you head inland north, almost halfway towards Athens—we have private farmers who are paying more in annual taxes than this grant, and they're farming about 20% to 25% of the amount of land involved.

As a council, we really feel that this is an out-of-date fee. It needs to be looked at. We met with Mr Frank Shaw and two commissioners, Paul Fournier and Dr John Johnson, back in the late spring and addressed this question. The suggestion was made that we pass a resolution, circulate it to the other 37 municipalities that also have parks commission land in them, to the provincial government, the Ministry of Tourism, and a copy to the parks commission, which we did. I believe it's the final page you received.

The Chair: This is the resolution moved by Mr Pergunas?

Mr Wight: Yes, and seconded by Clark Root.

My personal feeling is that any divestment of land should be looked at extremely carefully. It is beautiful

land. It's beautiful for everybody, not only in the Front of Yonge but the province, to visit. It's tremendous hiking land. I would really hate to see it disappear from this land base. However, if, as we were told by Mr Shaw, that is the only solution, or long-term leases, to try and attract low-impact alternatives, golf courses etc, maybe they need to be looked at. Something has to change in order to allow the grant to increase from \$4,109.

It's compounded a little bit by the fact that Front of Yonge township I don't believe receives any economic advantage. We have very, very limited business. We do have Bridge Island Motel, we do have a very small marina, but by and large the traffic on the parkway is through, and residents in the township pay the same rate to go to Brown's Bay. The township has no reciprocal agreements with the parks commission. For instance, with St Lawrence Islands National Park, we use their firefighting equipment. We also have 24-hours-a-day water transportation to any island fires for our fire department, and with the reduced activities in the park, we've lost the possibility of summer jobs for students. So the advantages for us personally are kind of hard to find. If the province as a whole wants to maintain it, then I think the province as a whole should be paying for the maintenance of it.

I've cited a couple of other examples. For St Lawrence Islands National Park, Parks Canada gives us about \$12,000 as a grant in lieu of taxes, and it has about 100 acres of mainland and a very small island acreage in Front of Yonge township. So the two are very, very out of line. Even Bell Canada, for two switching stations, gives us a grant greater than the parks commission. Front of Yonge township pays 50% more to the Cataraqui Region Conservation Authority for questionable benefits than we receive from the parks commission.

I really hope, as my conclusion indicates, that you will give this serious consideration and take the word back to Toronto that perhaps the grant formulas need to be restructured to permit a more equitable payment made to townships where commission land is held.

A second problem has come up, actually indirectly, concerning our neighbour to the west, Escott township, and we became aware of this change in policy only because our building inspector is also serving as a building inspector for Escott township.

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If you would refer to the two-page letter on Parks of the St Lawrence letterhead, on the first page, the third-last paragraph, the request made by Mr Cottrill that entranceway permits and building permits be issued by the parks commission first before the township, as a council, we're in unanimous agreement that this isn't the way things work. We're governed by our official plan, which was adopted after widespread advertisement, public hearings and is signed by the minister. We have that authority.

Now, I believe Mr Cottrill knows that too, because he's used the word "desire," "indicated a desire to issue permits prior..." I think that word "desire" tell us that he knows he has no legal authority to do this, let's just get it out of the way and not even discuss it.

It is not the case. It's contrary to the official plan. It's inconsistent with Bill 163, revising both the Planning Act and the Municipal Act and delegating more previously provincial control to the municipalities, that the parks commission would want to have more control.

This attitude, as I've indicated in my paper, also has an economic impact on the township where you have an agency that is not only controlling development on their land but attempting to control development on privately owned land.

This problem has gone back the full six years I have been a councillor in Front of Yonge township, and I can give you one example where the township built a road 200 metres long, called Clow Court, simply to appease the parkway management and allow two houses to be built on the north side of the parkway—not the south side, the north side. At that time, the person we were dealing with as the parkway right of way manager would not hear of a direct laneway, access way, going on to the parkway, so the township built the road, which really was, I think, a waste of money. The houses are there. They're beautiful homes. They add to the tax base. No one is going to build on that parkway, the price of land being what it is, without putting up a beautiful house.

Now, I'm not advocating widespread development. Believe me, as I am seeking re-election again in November, I really love our township the way it is. It's small. We have about 1,300 homes, 300 of which are seasonal residences, 2,600 ratepayers, and I think being small is one of its biggest attractions. As you're politicians, I think you'll have to acknowledge that the smaller you are, perhaps the more effective you become. Anybody in the township can visit me or my four members of council at any time, reach us at any time, and as you get bigger, it becomes tougher. So I'm not pushing for bigger being better.

When I came down this aft, I was sure I'd be short, brief, concise and allow you to stay on schedule. I know you've had a very long day, and I would just ask again that you consider our request. I guess the key thing is the grant. We would prefer to see that updated, rather than the divesting of land. Any development would have to be development that genuinely would add to the township and not in any way detract from the way of life. I think I'd better stop there. Thank you very much for your time.

The Chair: Thank you, Councillor Wight. We're now in rotation, starting with the Progressive Conservatives, and we have six minutes per caucus.

Mr Runciman: Ed, you've done the calculations on this. If you compared the grant structure in respect to the federally owned properties versus the St Lawrence Parks Commission's holdings, I think you said \$12,000 you receive from the federal government?

Mr Wight: We receive approximately three times as much from the federal government.

Mr Runciman: For a much smaller piece of property.

Mr Wight: For a much, much smaller piece of land.

Mr Runciman: If you use that same formula, what kind of revenues would you be deriving, or expect to derive, from the parks commission?

Mr Wight: In this particular case—I'm speaking personally; I'm not speaking on behalf of council at all—I would think if it was brought in line with the federal grant, \$12,000 to \$15,000 range, the township would be very happy. It's very difficult to equate the two. As I mentioned, we receive a lot of benefits from Parks Canada as well with the sharing of equipment, and they work very closely with the fire department. They're more involved with the waste site management in that the park manager, Mr Dave Warner, is involved in this committee as an adviser. It would be very difficult to compare, but I think we would be looking at probably that \$12,000 to \$15,000 as fair compensation.

Now, in our meeting with Mr Shaw, he outlined to us that the grant was determined by the ministry and was the same as was applied by parks. I haven't investigated this any further. You may have to restructure the provincial formula for making a grant. It may not just be a parks commission decision. I don't know.

Mr Runciman: And of course it has implications much broader than simply the Front of Yonge township. The same sort of policy would have to apply, I would assume, to all the municipalities where a parks commission has property holdings.

Mr Wight: Yes, that would only be fair.

Mr Runciman: So there would be some implications there, obviously. I guess I can understand your perspective in the sense that you say—I think I'm quoting you—that there's no economic advantage for the township of Front of Yonge. I guess you're basing that on the fact that you don't have a big commercial base. I think you mentioned the motel, and you've got Mallorytown and really not a lot of businesses that I gather benefit from the parkway. That's really why you're drawing that conclusion.

Aside from economic advantage, I suppose it has an economic aspect to it, the fact that because of the commission's holdings in that area, it certainly enhanced the area as a whole as a place in which to live. I think you'd probably agree with me on that.

Mr Wight: I would agree that that would be a social benefit, there's no question, and that's why I said personally I'd be very leery about the divestiture of land, and development would have to be on a leased basis, monitored very carefully. I like the land. But getting back to an economic benefit, a dollar and cents benefit, I think you'll find that the tour buses may stop at Brown's Bay park, but they don't come up to Mallorytown and use our bank, our post office or do any shopping in the store or go the Mallorytown restaurant. I don't think the bikers going down the pathway, although they're nice to see, stop in at the one motel. They may stop at the marina for a pop, but that's about it. It's very, very small.

Mr Runciman: I'm not disagreeing with you, but I think there is an economic benefit in terms of, you mentioned the properties along the parkway tend to be good-quality properties, and as a result the assessments are higher and as a result your tax revenues are higher.

Mr Wight: There's no doubt that their assessments are higher.

Mr Runciman: I think another element that the township should be pursuing, certainly, and I feel strongly about this, is the development of attractions or resources within the township on properties owned by the parks commission. If you have some commercial developments there now, for example, that are existing, those can grow in terms of providing economic opportunities and job development prospects as well. If you have more traffic on the parkway, more attractions, and make those greater traffic volumes through the parkway, you're going to see the commercial side grow as well, plus developments that can occur on properties owned, perhaps through long-term lease agreements that are also going to generate jobs and revenues to the township.

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Perhaps that's a role you would wish to play in terms of making sure your voice is heard in terms of the kinds of developments that are acceptable to you as a township, the kinds of development you'd like to see occur in terms of the benefits not only from an economic aspect but also of course from the social and environmental impacts and those kinds of questions as well.

I agree with what you're saying in respect to the fact that you're being shortchanged, but on the other side of the equation there are also some pretty significant benefits that accrue to the township because of the commission's holdings in your township.

Mr Waters: I guess on your issue re grants in lieu, we can take that under consideration and advisement, and indeed we'll probably look at it as a committee when we're making our recommendations. But on any idea of selling off the property, I'm afraid I would have some grave concern because I see it as probably the jewel of eastern Ontario tourism and that any break in that link could be devastating to that jewel. If you were to sell off, when I look at your map, the amount of properties or even a considerable amount of that property, if not all of it, if you were to put it into the private sector's hands, I would think you would create irreparable damage and I would have concern with that. So, if you want to, take a minute or two and convince me otherwise.

Mr Wight: No. As I said, I personally agree with you 100%. However, you mentioned the jewel of eastern Ontario. If you want to extend that further and just say a jewel of Ontario, then let's have Ontario pay a fair grant for that property. I think that's the crux of it right there.

Mr Waters: With the jewel, and we've heard a lot of people talking about the cutbacks and that of the parks commission and those types of things, I'm going to go back to something that I know Mr Runciman has talked about and we've all talked about, and that is local commitment financially. If indeed we want programming to continue at a level, or a specific program, do you not think it's viable and feasible that we have local dollars and local commitment as well? In other words, should it solely be funded by the province?

For instance, we've heard from the people of Kingston that they wanted the sunset ceremony. It was also in the Gananoque presentation. Do you feel that should be solely funded by the province or, as it is in other areas, as a joint venture, if it's going to be a loss-leader?

Mr Wight: Front of Yonge has not joined, but I suspect within the next two and a half weeks we will have joined, the south Leeds economic planning committee. Hopefully in that committee we would be working with the parks commission. It looks very certain that Parks Canada is going to be involved in it and as a large group look towards improving the economic climate without damaging the residential aspects that we value so greatly in Front of Yonge. Our dollar commitment is very minor, but our dollar resources are also very minor.

Mr Waters: Just so that you're aware of it, behind you at that particular moment when you said you were joining and all of these things, Mr Shaw was nodding his head that indeed all of these things are what is going to happen. So I see a commitment also by the parks commission to work with the communities that very much impact on the commission. I think that they have in the last while, actually, if not for ever. I only know the parks commission intimately over the last three or four years.

Mr Wight: As a resident in Front of Yonge, I enjoy the parks commission land. I have walked a great deal of it. It's beautiful. I have enjoyed their beach; I have enjoyed driving the parkway. I live in a beautiful part of Ontario. I wouldn't move for anything.

As a councillor, I really don't have any complaints other than the fact that we would like to receive a fairer grant, because it is making the balance of the township pay. If you don't get money from the orange land, you've got to get it from the white land.

Secondly, we're a little bit concerned about the increase or the desire of increase of control over the development of privately owned land that I don't think is right. It doesn't conform to official plan, and the parks commission, anybody, should be following the same rules. They're advisory, the same as we would ask for advice from the health unit, from the Ministry of Natural Resources, CRCA. We would ask for advice from any agency. We've listened to it, but I believe by law that is a municipal decision, and I think the province agrees with that.

Mr Waters: Okay. Because I'm the parliamentary assistant to the ministry, obviously I'm probably going to have to deal with it at the ministry. I guess I have one question on it. You said it's been unchanged since 1984.

Mr Wight: That's correct.

Mr Waters: How long have you been pursuing the increase? Has it been the entire 10 years or has it just been the last couple of years?

Mr Wight: No, I would have to say that I brought this to council's attention back in the wintertime, and it was late May—

Mr Waters: Of this year?

Mr Wight: —of this year, 1994, when we first met with Mr Shaw and the two commissioners. It is not an issue that has been going on for a long period of time. However, our costs and our lack of revenues are changing at an incredible pace.

Mr Waters: I have no other questions, Madam Chair, and I'll definitely take it back and try to work it through.

Mr Wight: Thanks.

Mr Curling: Is the minister going to fix it, though?

Mr Waters: At least I'm willing to take it back.

The Chair: We now move to the Liberal caucus.

Mr Cleary: Welcome to the committee and thank you for your presentation. I had been on the municipal council for many years and I found a remark that you had made—I'm going to say what I think you said. You were not pushing to grow in your municipality. You have 2,600 residents at the moment. But you also said—I think you said—that you would support some kind of a long-term lease to the private sector, and if you did that, jobs should go with that. So I would think maybe if that happened, you would grow. Did I misunderstand you?

Mr Wight: No. That would create a great deal of thought. There would be hours and hours of mental debate going on in my head silently when that situation arose. I love it the way it is. However, I realize that I'm not always in agreement with the people I represent. I've completely evaded your question, right?

Mr Villeneuve: It's a political answer.

Mr Cleary: But I do know that what you're talking, grant in lieu, the municipality I came from had a grant in lieu of taxes too, and I agree it was somewhat less than the ordinary ratepayer was paying and it got very controversial at times. What I mentioned to you about lease/private partnership, generally if you get that kind of development in your municipality, that's permanent jobs, and most times the residents who acquire the jobs, whoever it might be, like to live close to where they're working.

Mr Wight: I guess I really see our township as being a residential township, allowing the alternative for the people who work in Brockville or in Elizabethtown, which is much more developed and developing at a very great rate, I think—our township being a residential area for those people to live in. Basically, almost all of our population commutes to Brockville, Gananoque, Smiths Falls, Kingston, where they work. We are a residential area and I would personally like to see it stay that way. That's why I would agree. I have very real reservations about selling land or the long-term lease arrangements detracting from that feeling. I think people on the parkway would be concerned too if there was a commercial operation in place that impacted their way of life in any way. They're paying dearly for the privilege to live there and I believe they like it now.

Mr Cleary: Anyway, I'd like to thank you for your presentation, and good luck in your elections.

Mr Wight: Thank you very much. Thank you all.

The Chair: Thank you for your appearance before the committee this afternoon, Councillor Wight.

That is the end of our deputations for today. I would like to thank the committee members for their attendance and particularly for their cooperation in terms of keeping us on time and the schedule. It's only possible to achieve that with your cooperation.

We are adjourned until 9 o'clock tomorrow morning, when we will start promptly again. Thank you.

The committee adjourned at 1632.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

- ***Chair / Présidente:** Marland, Margaret (Mississauga South/-Sud PC)
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- Ferguson, Will, (Kitchener ND)
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- Harrington, Margaret H. (Niagara Falls ND)
- *Malkowski, Gary (York East/-Est ND)
- *Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Substitutions present/ Membres remplaçants présents:

Fletcher, Derek (Guelph ND) for Ms Harrington
Morin, Gilles E. (Carleton East/-Est L) for Mr Bradley
Runciman, Robert W. (Leeds-Grenville PC) for Mr McLean
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC) for Mrs Witmer
Wilson, Gary (Kingston and The Islands/Kingston et Les Iles ND) for Mr Ferguson

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Third Session, 35th Parliament

Assemblée législative de l'Ontario

Troisième session, 35^e législature

Official Report of Debates (Hansard)

Thursday 13 October 1994

Journal des débats (Hansard)

Jeudi 13 octobre 1994

**Standing committee on
government agencies**

**Comité permanent des
organismes gouvernementaux**

St Lawrence Parks Commission

Commission des parcs
du Saint-Laurent

Chair: Margaret Marland
Clerk: Lynn Mellor



Présidente : Margaret Marland
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Thursday 13 October 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Jeudi 13 octobre 1994

The committee met at 0900 in the Best Western Parkway Inn, Cornwall.

ST LAWRENCE PARKS COMMISSION

The Chair (Mrs Margaret Marland): Good morning. I'd like to resume this meeting of the standing committee on government agencies as we continue our agency review of the St Lawrence Parks Commission.

ONTARIO PUBLIC SERVICE EMPLOYEES UNION,
LOCAL 404

The Chair: I would like to welcome our first deputation this morning, Mr Peter Cazaly, president of Local 404 of the Ontario Public Service Employees Union. Welcome to the committee. You have a half-hour, and I know you're aware that committee members like to ask you questions, if you can leave some time at the end. Please proceed.

Mr Peter Cazaly: Madam Chairman and members of the committee, thank you for giving me time to address you on some concerns that I bring to you from Local 404 of the Ontario Public Service Employees Union. The members of Local 404 represent a large number of employees, well over 200, who work for the St Lawrence Parks Commission in various areas: parks and security, maintenance and engineering, Upper Canada Village and its support services, operations and administration. It represents classified, unclassified, seasonal and, of late, student employees. I bring to you certain concerns on behalf of these people to this committee.

We are facing some difficult times. Funding cutbacks, building and park closures, the prevalence of outside contracting and the failure to replace employees lost by retirement and attrition, all these, have seriously jeopardized the commission's ability to deliver quality service in its recreational, tourism and historical preservation and interpretation mandate. We are concerned with people here, and we are concerned with jobs.

The commission, as an agency of the Ontario government, has an obligation with a more than 30-year tradition behind it to conserve, protect and interpret our historical and natural heritage. Like John Cleary, I'm a native of this area, having lived here all my life, and I remember the events that took place more than 30 years ago in this area when many of us were forced to lose our homes and our farms and our livelihoods and to cope with the change in life brought about by expropriation and forced sale of our lands. Quite frankly, one of my strongest memories as a child was sitting watching my grandfather cry for the first time in his life as he was forced to sign over a farm which had been in the family

for more than 200 years. I'd never seen him cry before.

The gentleman who engineered the sale with us promised me and the children sitting around the table that we would all have jobs for the rest of our lives with the St Lawrence Parks Commission, as our home and our farm were being taken away from us.

Those commitments and those promises are still very much alive in the minds of the people who remember these events. Upper Canada Village remains a symbol for the people who lost their homes and their buildings, and they are the proud conservators and interpreters of these sites and these assets. As public servants, we all take pride in our ability to preserve them and to interpret our way of life to those who visit us.

There's a sign on Highway 2 as you approach Upper Canada Village from the east that still calls it a museum, and we who work there are proud to claim it as a museum. The recreational areas and facilities that were set up around Upper Canada Village are a public service, traditionally maintained by public funds. To the best of my knowledge, they were never intended to make a profit. The buildings, artefacts, skills and expertise, as interpreted by commission employees, are part of what a government traditionally does for its citizens as a cultural institution. Upper Canada Village and its surrounding agencies are a cultural institution on a scale which involves a worldwide reputation and a three-star rating in the Michelin Guide. We will match our expertise and our knowledge against any federal institution, including the Museum of Civilization. Cultural institutions are traditionally funded in part or whole by public funds and staffed by skilled and trained public servants and government employees.

Upper Canada Village is a repository not only for artefacts, architecturally historic buildings, records, botanical and zoological breeding stock, but possesses an enormously talented group of employees whose skills, knowledge and expertise are unique in this country. They are respected and admired by visitors to whom they communicate in many languages. There are people sitting in this room today, interpreters from Upper Canada Village, who speak languages beyond English and French, who have enormous ranges of skills and abilities, many of them unique in this country, and the sad thing is that their numbers are being depleted by government cutback and by profit-driven management policies. Once gone, they and their knowledge will be impossible to replace. Closed buildings, half-doors and scarce staffing don't encourage these people with expertise to stay.

Another part of the purpose of the parks system and

Upper Canada Village is its educational role. I'm a teacher with 25 years' experience in the public system in Ontario, and I came to Upper Canada Village with the hope that I could be a teacher in a different way in a different venue. They are very much teaching operations. We teach in the areas of natural, social and cultural history and studies. We have up to this point sadly neglected this part of its outreach in this area: It is underfunded and sadly understaffed. There is enormous potential in expanding a wide range of educational programs for all ages and interests which could provide employment the year round and attract many more clients to commission sites.

Quite frankly, our employees face a difficult time, with the renovation of the social system in Ottawa, with a press which designates them chronic users of the social system and of UI. There are enormous opportunities here beyond the traditional season of the Upper Canada Village and the parks to turn it into one of the best educational facilities in the world. There's an opportunity here to employ those people for the very skills they possess.

When the commission was founded it was understood widely throughout this community that it had an obligation to remain a major employer in an area where jobs have always traditionally been scarce and where the dislocations created 30 years ago robbed many residents of their traditional means of employment. Although this may not be written in stone, there may be no document which attests to this for all time, I was there, and many of us remember the promises that were made to those of us who lost livelihoods and ways of life: "Don't worry, the St Lawrence Parks Commission will take care of you. We'll have jobs for you and your children for many years to come." We believe those promises should still be honoured.

Too many services are being contracted out to low-paying, inadequate companies whose shoddy service and workmanship have diminished the reputation of our customer service. Filthy washrooms, which we have had to endure all season long at Upper Canada Village and elsewhere, bad construction, and sloppy, uncaring work do not enhance the quality that the commission sites used to stand for. Some of our bargaining unit employees have informed me that their job during the season is to go around and take care of the mistakes made by outside contractors during the winter.

Our bargaining unit employees care about the quality of their work. Many of them go way beyond the call of duty in training themselves on their own time and at their own expense during the winter season. Their skills are professional-level. We are all being cheated, visitors and taxpayers alike, when they are replaced by outside contractors who use unskilled, inadequate labour. Quite frankly, OPSEU holds the same views about well-meaning but untrained volunteers. People do not come to Upper Canada Village and the parks to talk to volunteers who know little or nothing about the site.

The commission always seems to have money for special projects, construction or otherwise, but when cuts have to be made, employees are the first to suffer. In

many cases, they tell me they are restricted from working on or bidding on these winter projects, when they are the people who most need the work. Management needs to wrestle seriously with ways to keep employees working the year round. What is the point of planning new buildings and attractions if there is no skilled staff to interpret or run them?

Labour-management disputes stem primarily from an unwillingness on the part of many supervisors and some management to honour the collective agreement. I've been president of the local for approximately three months, and I've come to the conclusion that many of our difficulties in the breach of the collective agreement come from the supervisory staff who either will not read the agreement, patently don't understand it or simply wish to get around it in an illegal way. We are constantly dealing with disputes that would never occur were this not the case. Seasonal, unclassified employees, who are the majority in our workplace, are among the least protected in our workforce and certainly the least secure in our society. We have a hostile environment from the press especially, which of later weeks has designated us, as I said before, chronic users of the social system.

0910

In conclusion, to end on a positive note, we face the future with hope and with optimism. For many of us, the St Lawrence Parks Commission and its various sites are still a very good place to work. We enjoy our jobs. We train ourselves to do those jobs well beyond the call of duty and well beyond what is offered to us in training. What we ask is to be treated with dignity and fairness, and we expect to have our skills, knowledge and professionalism acknowledged. We're all very proud of what we do.

I know you enjoyed yourselves yesterday, ladies and gentlemen, and I'm glad you did, on your tour the day before. What I would have hoped was that you could have come through Upper Canada Village when it was in full swing. When the village is animated and alive with interpreters and with members of the public, it's a very, very special place. I would wish that you had, if you have not already done so, talked to the interpreters onsite, to the people who work in the parks and in other agencies, and realize just what a very special group of employees they are. Their skills, their knowledge, their ability to deal with a wide variety of visitors from all over the world are unmatched in this country. We are proud of what we do, and our conviction is that no one can do it better than members of OPSEU. Thank you.

The Chair: Thank you very much, Mr Cazaly. I would like to explain why we scheduled the hearing for this week. I know you are aware that a representative of each caucus toured the village when it was open three weeks ago, so there is a representative of each caucus who knows and can convey what it is like when it's open. We couldn't, however, schedule the public hearings when everybody was working, because then they wouldn't have had the opportunity, as you've had today, to come before the committee. That's the reason we are meeting this week, after the parks had closed, so everyone had an opportunity to come before the committee.

Mr Cazaly: Thank you.

The Chair: We have five minutes per caucus, and in rotation this morning we are starting with the government members.

Mr Robert Frankford (Scarborough East): Good morning. You referred to being here before the flooding and the promise that was made. I was given to understand that in fact it wasn't called the parks commission at the time, but the economic development corporation or—

Mr Cazaly: Yes, you're quite right, although that certainly didn't last for any length of time and it eventually evolved into the organization which we now have in place. As I said when I was speaking, the government of the day and perhaps even its agency, Ontario Hydro, was very careful, I think, not to etch these promises in stone, and that's why I was very careful in calling it an understanding. The understanding has always existed in this area from the very beginning that those who were dislocated—and we're talking about the flooding of an extensive area here and the loss of many farms and the livelihood that goes with them. The understanding was that people who were dislocated were going to be given an opportunity for employment in the various activities of the St Lawrence Parks Commission.

Mr Frankford: It seems to me that perhaps one can identify three major components of what are now the parks. There's a land trust aspect, there is the heritage aspect, and there's also the economic development, more broadly, which maybe is not that much in the mandate now, but I think it was in the first place. That must be part of what is expected, that it's economic development for the area, not just those other things. It seems to me that perhaps there's an inconsistency, that if one is trying to pool all those together but then to have essentially a profit-or-loss bottom line, this doesn't really work for the other things like the cultural-educational aspect. We can certainly argue that museums are not supposed to be profit-making activities.

Mr Cazaly: I agree that there may be a perceived tension among those three activities. Nevertheless, the lands are and I think should be certainly seen as a public trust. My point is that they were taken by expropriation and forced sale. No one was more aware of that than those of us who lived around here at the time. To simply talk about a wholesale disposition of those lands, either through sale or through lease to private contractors, it seems to me does not honour those particular agreements that were made.

You're quite right. Upper Canada Village is very much a heritage preservation-oriented site, yet the development that was talked about at the very beginning was a development for tourism, a development in which the tourist industry of eastern Ontario would be seen as something which would be the driving engine of the economy at that time, and certainly now: We are a very large employer here, obviously.

Farming, the traditional means of earning a living, was certainly undergoing tremendous transitions in the 1950s and 1960s. My own experience of living on a farm is that radical changes occurred; small farms were no longer economically viable. The parks commission was seen as

alternative employment for the people of this area.

Mr Frankford: Do you have any broader vision of how the local economy should work, the balance between tourism and maybe other things?

Mr Cazaly: "Other things" meaning heritage and the educational component of the village?

Mr Frankford: Whatever.

Mr Cazaly: To some extent, I think tourism is an economic necessity that underfunds the interpretative or heritage aspect of the commission itself, and I think you need a very close alliance between the two. I still maintain that the public servant is the one who can best interpret the natural heritage of this area, which I think is a tremendous drawing card for tourists themselves. People come to the bird sanctuary, they come to the parks because they represent a natural heritage that they delight in. There was talk about preserving the shoreline, at the time of the Seaway flooding, so that it would be accessible to all rather than to a few. I still see that as very much the mandate of the commission.

Mr Alvin Curling (Scarborough North): Thank you for coming before the hearing. I would agree with you that the potential of the St Lawrence parks is not really fully utilized in many ways. The potential is there to make a good living for the people around us and to educate the people of Canada, or maybe the world, who come and see these great assets we have here.

It's a short time we have and my colleague really wants to get on record with some of the things he wants to clarify with you, but I was extremely interested in your ninth point, where you say that many supervisors and some management more or less fail and are unwilling to honour the collective agreement. That must be rather painful after going through years of negotiation in order to get certain things recognized for the workers. How did you feel when the ultimate stroke came about, when the government of the day completely violated the collective bargaining agreement with the social contract? How did that affect the system here? What was your feeling about that?

0920

Mr Cazaly: I'll give you an example of that, because during the last several months it has become obvious to many employees that even though, in their evaluation the season before, they were recommended for movement into a higher pay category, shall we say, or some reward for an increase in salary, they realized that of course the social contract makes that impossible at this point. That's one aspect of ways in which we find it very difficult to deal with. Many of our employees face not only a reduction in their salaries because of the social contract, but also a reduction in their UIC benefits, so they're being hit twice. It's very difficult to deal with, obviously.

Mr Curling: So you have to look at sources. I think all the governments have to look at sources where they can find money, having abused the collective bargaining agreement. How do you feel then, looking at the pension fund, OPSEU, and using that as a sort of investment into this program and having some ownership then, so to speak, in this situation here?

Mr Cazaly: That's a difficult area. I said I was a former teacher, and as of three or four years ago the government gave the pension fund the right to dabble in the stock market to increase the revenues for the pension fund itself. There have been some difficulties with that and I think in many cases the pension fund as it exists for classified employees—they don't represent a large component of our bargaining unit people—is probably an area they would find very difficult to control once it's used.

Mr John C. Cleary (Cornwall): Thanks for your presentation, Peter. I guess that some of the things in your opening remarks about the promises in the past, many of us know them. I don't think that much can be done about that, but we have to look from today forward and I think all strive with the goal to make the St Lawrence Parks Commission possibly better than it is now and attract more visitors to the area. I think that's everyone's goal. Some of the things that have happened in the past, the parks that have closed, some of the vacant land that's around that's not maintained, do you support a partnership agreement on those parks and that vacant land, something that would attract more tourists to the area and possibly would be a great benefit to Upper Canada Village and the St Lawrence Parks Commission?

Mr Cazaly: The danger of those partnerships is that it makes it so very easy for management to say, "Look, they can run the parks much more cheaply with the private sector." My job is to defend public service jobs here and I still maintain that people employed under the OPSEU agreement are much better employees than those who are running in the private sector. Obviously, the commission needs to look again at what its mandate is. Parks are not just places for recreation, although they are that; they are places for the natural heritage to be enjoyed, to be preserved and maintained. I still maintain that the level of professionalism of public service employees is well beyond what you see in the private sector. We can do the job better.

Mr Noble Villeneuve (S-D-G & East Grenville): Mr Cazaly, thank you for your presentation. How many OPSEU members do you have who are presently employed in the Parks of the St Lawrence as opposed to, say, five years ago?

Mr Cazaly: I don't have the actual figures, because I was just dealing with Local 404. We have approximately 285 bargaining unit employees at the moment, excluding students, GO Temps and those under temporary contract.

Mr Villeneuve: You have painted the private contractors in a rather bad light here. Would you suggest that students are in the same situation, or what's your opinion on students working at the parks?

Mr Cazaly: At the moment, students under the Crown Employees Collective Bargaining Act are part of the bargaining unit system, although certainly their role is not clearly defined at this point. My job as the president of the local is to defend the students and to represent their needs to the best of my ability and what is presently allowed by the collective employees' bargaining association.

Mr Villeneuve: Park closures have been a major travesty in the area because it's prime waterfront property. The perfect example is Grenville Park, which was closed for years. It cost the parks commission somewhere in the area of \$40,000 to operate at a deficit the last time. They're now recouping some \$20,000-plus from the people who operate it. We have a situation in Charlottetown and Raisin that is also alarming: two pretty prime waterfront properties that are not being used and haven't been used.

We get mixed messages, my colleague the member for Cornwall and I, regarding the local OPSEU position. What is your position on these park closures? We want to hear it from the people who are directly involved here regarding successor rights and all the rest of it.

Mr Cazaly: The parks' closures are the thin edge of the wedge. Obviously, what they allow is for the commission to further consider the possibility of using the same mechanism for recouping income in other areas. It stands to reason that if you're able to rent out the parks and receive remuneration that is profitable in return for that, what that allows you to do, and we heard some aspect of that yesterday, is to look at the other facilities, the non-park facilities, in the same light.

Certainly, that's an area where I think most of the members of the local would be very loath to tread. Obviously, we're not going to countenance, at this point, any discussion of the fact that Upper Canada Village or any of the prime attractions can be better run by the private sector.

Mr Villeneuve: That's a bit of a dichotomy because the ones that are being run by the private sector have turned a deficit into some money back to the Parks of the St Lawrence. Now, I realize from your earlier statements that your particular philosophy and theory are that the Parks of the St Lawrence were never intended to be returning moneys too, I guess, as an arm of the government. But reality has to set in here at some point when the well is dry, and I think it's very close to being dry now.

Mr Cazaly: That may be so. Nevertheless, as you say, the parks were seen as a service to the public on behalf of the government. You don't run most major cultural institutions in Ottawa looking at the bottom line or the profit-making mechanism. Naturally, you want to return some value on your money. But at the same time you also have to see them as services that the government provides to the people. The shoreline was cleared of private enterprise so that the whole public could enjoy it together.

Mr Robert W. Runciman (Leeds-Grenville): Just following up on that, I understand what you're saying and I appreciate what you're saying, but the fact is that the government's running something like an \$8-billion to \$10-billion annual deficit and the parks commission is losing a significant amount of money. Going over your brief here, you make some references to certain things like a potential for year-round operation and you mention also that there's an obligation to remain a major employer. I guess I'm wondering if your local has taken a look at, or perhaps through the larger resources of

OPSEU provincially, if you've taken a look at or even been asked—this is another element you may want to comment on. You say you run these parks better. When we look at the Johnstown situation, it doesn't look like you run these parks better, and the public utilizing the park is not giving us that same kind of feedback as well.

I'm just wondering what things you have done in terms of developing specific proposals to submit to the commission which say to it: "This is what we can do in cooperation with you and other partners to make sure that these are efficient operations. If we don't make money, at least we come close to breaking even."

Mr Cazaly: That's a valid question. I have just recently been put on to a business improvement group established by the management of Upper Canada Village where we sit down and we look at ways of extending the employment season, ways of making money by offering a whole range of different services. Certainly, the educational component is one that we're looking at seriously at this time.

I quite agree in some cases that there is quite a difference between running a park for profit and running Upper Canada Village for profit. Unfortunately, the commission has a wide range of services within its purview, but I don't think there's a lack of ideas at this point. Certainly, my reading of the situation out there is that we could be doing so much more to extend the range of services offered by the commission beyond the season into the shoulder season and even during the winter programming.

The Chair: Thank you, Mr Cazaly, for your appearance before the committee this morning.

0930

ONTARIO PRIVATE CAMPGROUND ASSOCIATION

The Chair: Our next deputation is Brian and June Cox, who are representing the Ontario Private Campground Association. Good morning, Mr Cox. Welcome to the committee this morning. You're doing this alone, I gather.

Mr Brian Cox: I'm doing this alone.

The Chair: That's fine. Please proceed. You do have one half-hour, and if you could leave time for questions by the members, they would appreciate it.

Mr Cox: My name is Brian Cox. I represent the Ontario Private Campground Association and I'm owner-operator of Upper Canada Campground located in Morrisburg. We have a concern with the leasing policies of the St Lawrence Parks Commission that we would like to see addressed.

If I may, I'd like to open with a letter from our managing director, Mr Fred Gray:

"Thank you for this opportunity to contribute to your review of the St Lawrence Parks Commission.

"The Ontario Private Campground Association has, for the past 25 years, been the voice of the private campground industry in Ontario. There are an estimated 150,000 campsites in the province of Ontario of which 120,000 are in private campgrounds. Tourism is becoming an increasingly important aspect of economic life in Ontario. The economic impact of the campground indus-

try is often overlooked because of its generally rural and scattered nature. The Ministry of Culture, Tourism and Recreation in their March, 1994, release...establishes the average spending by a tourist per night in 1993...at \$78.23. This is an industry which can have a notable positive economic impact on small rural communities which are otherwise unable to attract industry or tourists. Our members are not megadevelopments, averaging 91-100 sites provincially. Even with only 30% occupancy over just a 90-days' season, the average campground can be pumping well in excess of \$200,000 into small rural communities close by, in addition to the wages paid and purchases generated by the business.

"The private campground industry in Ontario only asks for two considerations. They do not ask for special financial handouts or concessions. They only asked to be brought to the table to participate in tourism planning that affects them and they ask that the playing field be level. To be as productive as possible for the benefit of all Ontario, tourism must be developed cooperatively. A move which might be advantageous to one segment of the tourism industry may well be at the expense of another. This is particularly true with respect to campgrounds. At the present time, the private campgrounds in the area and the St Lawrence Parks Commission are operating in balance. They are, in combination, responding to the demand. Any increase in supply will upset the current balance and jeopardize the continuing presence of existing private campgrounds. Any expansion in supply should be a matter of joint concern and consensus. The financial support from public funds, which has provided the commission with an enviable land base, should not be used as an economic club to bludgeon private competition. The commission's historical and tourism mandate should not be used as an excuse to kill private campgrounds. Such is not needed to respond to the current tourism demands. Such a move will kill another taxpaying employer. Any future changes in this respect should require a joint consensus.

"The private campground industry asks also that a level playing field be maintained. A private campground could be paying municipal taxes, business taxes, special assessments...such as garbage, as well as corporate taxes. A private campground could be paying interest on borrowed money, as well as repaying capital. After a number of years of negotiations, charges in private parks are (almost) on par with publicly funded parks. Any capital improvements in publicly operated or leased parks, without the need to pay interest or repay capital, tips the playing field to the advantage of the public parks. Even if exactly the same site rate is charged, there is a strong business advantage to the public parks. Any leasing or use of commission campgrounds without factoring in a figure comparable to the cost of operating, carried by necessity by a private campground, tips the playing field.

"In conclusion, the current supply meets the demand. Public lands should not be used to overexpand supply at the expense of the private businessman. Further, an economic equilibrium of operation must be maintained which goes beyond just the hourly rate involved. Both segments contribute. But private industry also contributes taxes and fees to its local municipality."

The Chair: Thank you very much. We have eight minutes per caucus and we're starting with the Liberals.

Mr Cleary: Thank you for your presentation. I take it from your presentation that you would not support the parks that have been closed by the St Lawrence Parks Commission being reopened under private enterprise?

Mr Cox: Absolutely not. In fact, just the opposite. What we ask for is a fair base. Perhaps, if you wouldn't mind, I could finish the last two pages and it could explain our local position. Would that be possible?

The Chair: Yes. I'll have to recalculate everything, but that's fine. Go ahead.

Mr Cleary: Forget that I said it.

The Chair: Carry on. We'll just time from when you're finished.

Mr Cox: As private campground owners, we have a vested interest in the commission's parks. After all, we are in competition with one another.

They made a prudent business decision a few years ago to close five money-losing parks. Two of these parks have been reopened by other interests and have almost instantly shown a profit or are operating at near capacity. One certainly has to wonder why.

A surge in new campers has not been demonstrated in any other park in the area. People have been drawn from the private sector to these parks by prime water frontage at bargain prices.

The easy way to solve our concern would be to request the commission stand by its original decision. This would not be in the best long-term interests of anyone; in fact, just the opposite. More commission property should be made available for tourism activities that complement rather than compete with the facilities already available. What we would ask is that the commission property be made available in a manner that is fair to competing businesses of the private sector. We would ask for the commission to re-examine its leasing problems and to develop new policies in line with that of the private sector.

Leasing should be based on the same components as other businesses: payments on the appraised value of the land; taxes to the municipalities; depreciation on appraised value of the commission's chattels on the property; setup fees for leasing.

There is nothing secretive or speculative about any of these components. This should be public knowledge before any lease is signed and be the bare minimum accepted by the commission regardless of whether being undertaken by a private entrepreneur, a corporation or another level of government.

In closing, we in the private sector are not afraid of competition. However, the commission was created to promote and assist tourism in eastern Ontario. It must assist all the industry equally in this highly competitive field and not unfairly subsidize those who choose to lease its property.

I thank you for this opportunity to address the committee.

The Chair: I guess now we're down to six minutes

per caucus. We'll start again with Mr Cleary. We've given you a little bonus, you realize.

Mr Cleary: I deserve it. Thank you.

I think you're going against the wishes of a lot of the municipalities that seem to support reopening these parks that have lain vacant for many, many years. The municipalities and the people I talk to seem to support the reopening in some way. I could take a drive with you and I could talk to many businessmen who think that if they were reopened, they would attract more investment and would pay money to the Ontario government, some of the revenue would go to the municipalities and everyone would benefit. I happen to agree with them.

0940

Mr Cox: I agree with you fully. That is absolutely correct. What we would like to see are these parks reopened, but in such a manner that they are not unfairly subsidized by the commission.

Mr Cleary: But if those parks were reopened under private enterprise and a percentage of the revenue went to the Ontario government, you don't think that would benefit you?

Mr Cox: Absolutely. It's the mythology of the way these leases are set up. The land has a value. The roads have a value. Taxes have a value. Not only the parks themselves but other vacant land as well has a fixed value. We would like to see those parks be made available, but be made available at a rate that is competitive with the private sector.

Mr Cleary: And a percentage of revenue.

Mr Cox: Not necessarily a percentage of revenue, because what that factors in is a bad season. If you have a bad season, then you just pay less revenue. That is not the way it works in the private sector. If we have a bad season, we lose financially. These parks, if they're released, should be set up in such a way that it's a very fixed cost. I think you'll find that anybody in a private business would prefer it that way.

Mr Cleary: My colleague has a question here.

Mr Curling: I'm learning about all these camping sites and all that, but my understanding is that some of the people who do have camping, especially in the St Lawrence parks, would like some extended time, what they call the short-term or what's the—

The Chair: Shoulder.

Mr Curling: They needed some extended time to stay and not to be moved so regularly. Would that, in any way, have an impact on your business? Do you support that, that they should maybe have more time there?

Mr Cox: I think that the commission should turn the parks over to whoever operates them, and they should operate them in whichever fashion they feel is best. As long as it's turned over on the same financial basis that the private sector faces, they should be free to operate their business. If they wish extended shoulder seasons, if they wish to change the zoning so that the trailers may stay there on a year-round basis, it should be up to the individual operator how they wish to operate those parks.

Mr Curling: What if the St Lawrence Parks Commis-

sion decided to turn over some to you, then, and lease you those parks? Maybe then you could run it more efficiently.

Mr Cox: I don't believe I could operate it any more efficiently than the St Lawrence Parks Commission; I don't believe any person in the private sector could. They could provide different activities, they could provide different bases, but I don't believe that the private sector should be denied the opportunity to try.

Mr Curling: On the balance side, though, and I'm trying to understand it, if the government pumps more money into it, it puts you at a disadvantage because you're in the private sector and they're using public funds to do that. On the other hand, you're saying that they can run it efficiently. Because they would need more money for maintenance and what have you, that flies in the face of competing with your kind of a business.

Mr Cox: Are you stating that the St Lawrence Parks Commission would reopen these campgrounds or that the private sector would reopen these campgrounds?

Mr Curling: There are parks that are closed now, right? Maybe if they were given to the private sector, if they reopened, they could operate it. You're saying no, you wouldn't like to see that, those closed parks.

Mr Cox: No, we would like to see those parks reopened.

Mr Curling: But not leasing it to the private sector?

Mr Cox: Definitely reopened by the private sector, but to be done so that the private sector that is operating those campgrounds faces the same financial concerns that anyone else in the private sector faces.

Mr Villeneuve: Thank you very much, Mr Cox, for your presentation. The fact that you're situated in the middle of an area which is basically known as Upper Canada Village, the name of your campground is Upper Canada Campground, does that help you or hurt you?

Mr Cox: I would definitely have to say it would assist us.

Mr Villeneuve: It assists you. What's your capacity?

Mr Cox: We have approximately 110 campsites.

Mr Villeneuve: Your occupancy this summer, or any summer, would be running at about what level during the May 15 to September 15 period?

Mr Cox: On the norm, 60%.

Mr Villeneuve: The adjacent parks run by the Parks of the St Lawrence, would they be anywhere close to 60% occupancy?

Mr Cox: No, they would not, because the parks are inherently larger. So I would say they would have a lower percentage occupancy than what we would have.

Mr Villeneuve: Are your sites all serviced?

Mr Cox: No, they are not.

Mr Villeneuve: Your serviced sites would be the ones that are preferred by the camping community?

Mr Cox: Yes, they are.

Mr Villeneuve: So they would fill up first and then your secondary sites, with only possibly hydro or with no service at all, would be filled up.

Mr Cox: That is correct.

Mr Villeneuve: I think the parks commission has been very careful to not be out there servicing some of these sites. They do have some serviced sites, but I think minimal. The percentage of your serviced sites, would they be in the 50% area?

Mr Cox: Yes, it would be high.

Mr Villeneuve: Whereas the parks commission serviced sites would be in the 15% to 20% range?

Mr Cox: I think that's probably fair, yes.

Mr Villeneuve: I certainly appreciate the fact that they have looked at that and they don't want to be in direct competition with people such as yourself. The example—and again, I go back to Grenville Park, and we've used the Cooper family on a number of occasions—I understand that they're at the upper end of the camping cost schedule. Would you know that?

Mr Cox: We reviewed that information. I believe they've been directed to be in the upper end, yes.

Mr Villeneuve: Do you have a problem with that?

Mr Cox: As far as them being directed? Yes. I don't believe that the commission should be directing its lessees, dictating their policies.

Mr Villeneuve: Would you not agree, though, that's to protect people like you?

Mr Cox: Yes and no. If the leasing structure is not set up as we foresee it should be set up, then yes. There is the private entrepreneur on one end, whose primary interest is profit; there is the commission at the other end, whose primary interest is to service the people of Ontario. Anything in between the two extremes ends up in a no man's land that the commission gives rules to, and basically nobody's happy. So it's that grey area that the private sector has trouble with. If the land is to be available, then we would like to see it go full swing to the private sector. Either the commission runs it, or if it does not wish to run it, please turn it over, lease it to the private sector so that they may operate it.

Mr Villeneuve: No strings.

Mr Cox: They have strings in the sense that it's leased. If life is not going as they would like to see it go, they always have the opportunity to revoke that lease.

Mr Villeneuve: My colleague from Brockville would have a couple of questions during our time.

Mr Runciman: Do you view a 60% occupancy rate as a good season?

Mr Cox: I believe we had a good season this year, yes.

Mr Runciman: How did it compare to previous years?

Mr Cox: Probably up about 5% or 6%.

Mr Runciman: I tend to agree with you in terms of reopening some of the closed campgrounds for that particular purpose. I'm surprised at your occupancy levels being as high as they are, because from what I see along the Thousand Island Parkway and the federal campground at Mallorytown Landing, I suspect they're lucky if they have 30% to 40% occupancy levels during the course of

the season. Now they're contemplating closing that federal campground along the parkway. Maybe my observation is incorrect, but there seem to be fewer people camping, or at least fewer people using government campsites. I'm not sure if either one of those is correct. What's your view on what's happening in terms of the number of people who are camping?

Mr Cox: I would say the numbers are pretty constant. What happens is that the government campgrounds tend to service more the tourism people, the mobile people, whereas private campgrounds tend to serve more people who treat their campsites like cottages, hence the appearance of a greater number of people.

Mr Runciman: So you have a lot of seasonal campers, people who come and put their trailer or whatever there for the season.

Mr Cox: Approximately 30% of our market is that way, yes.

Mr Runciman: Can I ask you what your daily rates are? How do you compare?

Mr Cox: That varies upon the pricing structure. It's \$17.50 base, that's for water and electricity, and then it's an additional \$1.50 per person on top of that. We tried to set up our structure like that because if you have a large family you use our facilities more than if you have a small family, which is fair to people with smaller families.

0950

Mr Runciman: Do you provide other services that perhaps government campgrounds don't provide?

Mr Cox: We provide a larger entertainment value, yes.

Mr Runciman: In what respect?

Mr Cox: We have a trampoline. We have one summer student who full-time simply—can I use the word “babysits” children, in the sense that they organize activities: baseball, soccer. With the same people at your facility, after a while the children get a little rambunctious, so there's a need to entertain them, and that's what we focus on, entertaining those children.

Mr Daniel Waters (Muskoka-Georgian Bay): Good morning. From my understanding, the parks commission, and indeed I believe even to a certain extent when they leasehold parks, does cater to transient tourists; that's part of their mandate. They pretty much, in their own parks anyway, have left the seasonal business to the private sector. You're saying that you'd like that thrown open so that indeed they could take your seasonal sites and move them? Coming from Muskoka, I can tell you that people want the waterfront. If you were to throw it open, you would see a major migration to the waterfront.

Mr Cox: For the commission to operate that way or for the private sector to operate that way?

Mr Waters: Whether it's the commission or the private sector, if they leasehold the park, it's still the park on the water. It doesn't matter.

Mr Cox: If the private sector was to take over the commission's property at its face value, I think that the pricing structure would reflect that and the seasonal lots

would reflect that, and there would not be a concern.

Mr Waters: You're telling me that people wouldn't pay \$5 more a night to go and stay on the water?

Mr Cox: Yes, they may.

Mr Waters: Or \$50 or \$100 more a season to have a waterfront lot? I think that they very much would pay that.

Mr Cox: Yes, they would. That is the current concern that we have.

Mr Waters: I guess that's where my concern is. I think that the commission puts in restraints in order to protect the private entrepreneur in eastern Ontario so that indeed, whether it's through our parks run by the St Lawrence Parks Commission or in a leasehold situation, we're not affecting your business in a negative fashion to that great of an extent, because I could see a major migration if you did that, if you opened it up and I wanted to fill my park. The first thing I do is I go after your seasonals, and I have the waterfront to do it.

Mr Cox: I think not, because if that was the case, then I could go out and purchase another piece of property and do exactly the same. I believe the cost factor of that property will ultimately determine the cost of the seasonal lots.

Mr Waters: I don't think you're going to see the committee recommend that the St Lawrence Parks Commission divest itself of its waterfront property at all. I don't think that you will see that kind of a recommendation in order for it to just be sold off to the private sector.

Mr Cox: We're not asking them to sell it; we're asking them to make more available to be leased by the private sector. If the commission is not going to be developing the waterfront property, has no plans to develop not only those parks but other land tracts as well, we would like to see them be made available to be developed.

Mr Waters: Maybe Mr Pond or Madam Chair could clarify this, but I seem to recall that when the subcommittee did the tour and we were standing in Charlottenburgh Park it was mentioned that they were looking at leasehold opportunities for the land, not necessarily as a campground.

Mr Villeneuve: With successor rights.

Mr Waters: What I'm trying to get at, at this point, is that just because we're looking at leaseholds for those parks or those lands, and hopefully by the end of this month that will be in place, it does not necessarily mean that it will be a campground. There seems to have been an assumption at this set of hearings that this was all that was being entertained. Mr Pond, I see you nodding your head in an affirmative fashion, that they're looking for the best opportunity for the land, not necessarily a campground. What would your feeling be on that?

Mr Cox: I would just like to see some of the properties be made available for development. I'm sure if they are developed as campgrounds, the leasing-pricing structure will make them competitive; if they're developed for other interests, all the better. It will not be in direct competition with the private sector.

Mr Waters: In a couple of cases when the parks have closed, the municipalities have taken them over; they've become the leasehold operator. Indeed, I'm pretty well certain that was an offer at Charlottenburgh and Raisin River. If these are viable parks, why wouldn't the municipalities have taken them over? Any idea why?

Mr Cox: I think it's up to the individual municipalities to make the choice. I guess Osnabruck decided yes. It may be the distance of the communities from the parks.

Mr Waters: I just wondered, because it's been something that's been gnawing at me for a while. What I'm hearing from Mr Cleary and from a number of people down here is that these are viable parks, and yet there was an opportunity for local management of the parks through their townships and they said, "No, thank you." So I just wondered if it was an opportunity for the township to make money. I know most municipalities are looking for dollars.

The Chair: Is that a question? You're now out of time.

Mr Waters: Oh. Thank you very much.

The Chair: Thank you, Mr and Mrs Cox, for your appearance before the committee this morning.

VILLAGE OF MORRISBURG

The Chair: Our next deputation this morning is the reeve of the village of Morrisburg, Reeve Gordon McGregor. Welcome, Reeve McGregor. Please have a seat and be comfortable. I think you have been advised that the committee likes to have time to ask questions. You have half an hour for your presentation and questions.

Mr Gordon McGregor: Good morning, gentlemen and ladies. I do know a couple of you, I guess: Noble, John. Allan McLean was supposed to be on the agenda. Is he here?

Mr Villeneuve: No. He had a tough schedule.

Mr McGregor: I'm not sure if the presentation I have is in keeping with the required criteria, but it contains some items that are of concern to us in the village of Morrisburg and a lot of things that have been brought to my attention by both tourists and residents of our area. Did you want me to read this?

The Chair: It's your choice, Reeve McGregor.

Mr McGregor: You all have copies.

The Chair: Yes. You may read it if you wish, which places it on the Hansard record.

Mr McGregor: Okay, I'll read it, because people behind me like to hear what I have to say about our concerns.

The Chair: Good. Thank you.

Mr McGregor: Very minor; I've heard some data just since I came in about the operation of parks, the maybe transferring of parks land and so on, and I have none of that here. It's a few very small things.

I would say that the reason for my being here is not to offer criticism of the St Lawrence parks operation, but rather to suggest methods of cooperation between our municipality and the parks.

Before I get to that point, there are a couple of sugges-

tions I would like to pass on to you. These suggestions are the result of comments passed on to me by tourists visiting our area. There are only two, and they're small:

(1) The village, and I'm referring now to Upper Canada Village, has buildings closed on a rotating basis. How many I don't know, but there are buildings closed on different days. These people have paid the full admission price and would like to see it all. That's one complaint.

(2) The general area of the St Lawrence parks looks very run down due to lack of grass cutting. This year there were some improvements made there, but there are still areas that could be improved on.

Some thought could be given to rectifying these situations.

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As reeve of the village of Morrisburg and a small restaurant operator, I receive a lot of comments and suggestions concerning the parks area. None of them is critical, but offered with interest. They are as follows.

Winter activities: At one time there was a toboggan slide on the mound at Chrysler monument. It was well used both by toboggans and skiers. It would still be used if the entrance were plowed, and the roadways around it. The village of Morrisburg is offering to plow this entrance, as well as the parking lot, for cross-country skiing on the north side of Highway 2.

This isn't written, but to follow that up, I have had some dialogue with the Reeves of Williamsburg township and Osnabruck township and they would very likely offer the same services in other areas that could be and are not used in the wintertime. This would bring more activity to the village, more revenue to the parks and of course more visitors to our community.

The war memorial at the foot of the Chrysler monument mound has been closed for a number of years. This memorial is quite important to us. Morrisburg council is willing to attempt to generate interest in manning this memorial with volunteers if permission were granted by the parks commission.

It has also been stated to me that children get quite bored after a short time at Upper Canada Village. Should consideration be given to a different type of activity for them? One example given was a water slide and maybe some rides. A suggestion that followed this was maybe some private enterprise.

The train which sits as a static display just west of the village has deteriorated to the point where it needs a lot of repair. There has been some talk of its being moved to Smiths Falls. This is part of our history. Once it is gone, it is gone, and so is that part of our history. We are trying desperately to get groups interested in restoring it where it sits now, and we're asking for a reasonable amount of time to achieve this. The Morrisburg and District Chamber of Commerce has taken an interest and it is on its agenda.

In conclusion, I would like to say that Morrisburg village, the chamber of commerce and the business improvement area, the BIA, are extremely interested in the operation of the St Lawrence parks and are willing to cooperate in any way they can.

The St Lawrence parks and Upper Canada Village are important with regard to the economy of our community. We realize that money is not a bountiful commodity with our present government, but maybe some cooperation can go a long way, also keeping in mind that eastern Ontario will always be here and we need all the help we can get. There's a little subtle sarcasm there. I hope you can pick it up.

We do enjoy an excellent relationship with the management of the St Lawrence parks, and hopefully anything we can do together will enhance this relationship.

There are a couple of other things that I didn't mention in this report. A bicycle path or a bikeway which now runs from Cornwall out to Long Sault hopefully will find its way to Morrisburg and west of Morrisburg, here again with the cooperation of the St Lawrence parks, the village of Morrisburg and the township of Williamsburg. This is something I have discussed with Mr Shaw, the manager of the St Lawrence parks; and also the cooperation we enjoy with regard to information services with various people.

That is briefly what I have to present to you. I would be happy to answer any questions for the next 25 minutes.

The Chair: Thank you very much. The Progressive Conservatives. We have eight minutes per caucus.

Mr Villeneuve: Gord, thank you for your submission and for taking time to come from your restaurant and tell some of the advice that you get. I'm sure you get a good deal of advice, both from tourists and from people who are employed in the parks. What's the major concern from people who are employed in the parks as they have a coffee at Gregor's Place in the morning?

Mr McGregor: Where do I start? I don't know. The parks have changed so much over the past 10 or 12 years that maybe a lot of them don't know where it's at or where it's going. First is the different ways, I guess, of operating the village. I really don't know how to answer the question, but there has been a drastic change in the parks and I guess we would have to contribute some of it to the economy. I know in my business I rely a lot on the people who come to visit the area because of the parks, and I can see a drop in that in the past four to five years.

Mr Villeneuve: I can tell you that some of the people who come to me, first of all, would say the management isn't doing what they feel should be done, the union isn't protecting them the way they should be. As a matter of fact, there seem to be so many negatives that at times I wonder if there are positives. It's good to have this hearing because we've seen a lot of positives and I think that's very important.

When the parks are in full swing, do you notice, as reeve of the village of Morrisburg, considerable additional economic activity?

Mr McGregor: In my business I would say yes, because a lot of people come to the village, and if you're going to see it, you have to stay more than one day. A lot of people stay overnight and use my place and any other facility for eating in the village.

There's another thing as well to that. Because of the economy again and because of the shortness of money, high rates and so on, there are a lot of one-day travellers as well, and I get a lot of these.

As I said at the outset, I didn't come here to criticize the operation of the parks. Yes, I hear a lot of complaints about how the place is run as compared to what it was 15 to 20 years ago, keeping in mind that I've been here for 32 years. I really don't know where one would start.

With all due respect to Mr Shaw, who is a friend of mine—and I have no knowledge of his capabilities as a manager, but I would assume they're reasonably good because we have a lot of dialogue, he and I—here again being quite honest about it, from what I hear, I sometimes wonder if he gets all the information he should get.

Mr Villeneuve: Communication can always be a problem. At times, communication comes out at the wrong time to the wrong people at the wrong place, and that may indeed be what you're speaking of.

One final question, and my colleague from Brockville would like to ask you a few questions. On the rotating establishments within Upper Canada Village that are closed, we understand that if someone were to stay there two days—and of course, they'd have to pay the admission for two days—that would solve that problem.

Secondly, a lot of the people I've spoken with say the place closes down too early in the evening, when they have paid possibly at 3 o'clock and all of a sudden, two hours later, they're being asked to leave.

Mr McGregor: This is a complaint as well, not only from people who are already in there but people who are going there. I've had people in at 3 o'clock in the afternoon who say: "We're going to Upper Canada Village now. What time does it close?" "It's around 6." This is a surprise because in the long summer evenings, you could probably be wandering around enjoying a nice sunset or whatever over the village.

Mr Villeneuve: After the heat of the day.

Mr McGregor: That's right.

The Chair: Mr Runciman.

Mr Runciman: How much time do I have?

The Chair: Three and a half minutes.

Mr Runciman: Reeve McGregor, do you have an economic development commission or committee in your township or the county?

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Mr McGregor: Yes, we do, the South Dundas economic development committee.

Mr Runciman: And you're a full participant in that?

Mr McGregor: Yes.

Mr Runciman: Is the parks commission represented on that commission?

Mr McGregor: Yes, they are.

Mr Runciman: What's the working relationship? We had the president of the Eastern Ontario Travel Association here yesterday, just as an example, and he said if he had control over the property by the Chrysler Park and so on that he'd have no trouble at all in getting a major

investor to put a hotel there. I wonder about that and I just wonder if that sort of discussion has ever been raised at your commission meetings, if there have been any attempts to see if indeed there is interest in that kind of development.

Mr McGregor: I don't attend the meetings myself. There is a representative from council on the commission. I have never heard that. Well, I shouldn't say I've never heard that. There was some mention some time ago about a hotel being put there, but I was of the impression that it was the government itself that was thinking of putting it there. I have a thing about parks' property—

Mr Runciman: I think the government has had enough bad experiences with those kinds of investments, Minaki Lodge for one. I'll say it right out now, before someone else does.

Mr McGregor: I'm well aware of that and certainly agree with you that they maybe should stay out of that business, as well as a few others. But I have a thing about parks' property in that between Church Road and Ingleside there's quite a nice piece of land there and I just heard somebody mention a while ago about how quickly people would move in if the parks were to give it up.

Mr Runciman: Gord, I have very little time. I want to get a couple questions in.

Mr McGregor: Go ahead.

Mr Runciman: My point is that I think there should be more effort in terms of—and maybe it's happening, but it doesn't sound like it's happening. You have a rep on the commission, but perhaps there could be more effort in terms of working cooperatively to enhance the attractions. Another element of that is, you mention in your brief here the train, the engine that you're concerned about.

We talked about this yesterday with the greater Kingston area, about the concern in Kingston about losing the sunset review, I think it's called, at Fort Henry. I posed the question and I think others did as well, if there's such concern about the impact that it's going to have on the area in the loss of tourism and the economic spinoff benefits, why wasn't there participation by the municipality, the chambers and so on in funding that, or encouragement from the corporate sector, what have you?

I guess I'm saying to you, here you're saying, "We're looking around," but if it's that important, why isn't the municipality or the county taking the bull by the horns and saying: "Look, we're going to guarantee that this is maintained to save this for this area. We'll guarantee that to the commission and if need be, we will fund it. But at the same time we're going to go out and find, hopefully, other sponsors. But we're going to be up front, we're going to commit ourselves to funding this and ensuring for the future that this historically important attraction stays in our area?"

Why don't you take those kinds of initiatives?

Mr McGregor: My answer to that question would be, until a very short time ago, I don't believe anyone was aware of the condition that this train was getting to be in. It was more or less taken for granted that it's there and

it always will be. Only recently did it come to our attention that this was going to be moved, maybe to Smiths Falls to a museum they are attempting. I was up there and looked and they have enough junk up there already. It's going to be years before they get anything done with it, so why add another piece that's going to just sit there and deteriorate?

Because of the fact that we just heard about it because it just came to our attention how bad it was, we really haven't had time to do too much of what you said. But we have now the reeves of Osnabruck, Williamsburg, myself and possibly Cornwall township who are interested in keeping as much stuff here as we can.

I said a while ago about a subtle bit of sarcasm about eastern Ontario will always be here, and I don't know how many people west know it is here. So we have to do, I guess, as much as we can to try and promote this, and the train is one of them. But now that we're aware of the fact and we have people working at it, what we're asking for is a reasonable amount of time to do just what you asked.

Ms Jenny Carter (Peterborough): Welcome to the committee. I certainly appreciate the positive attitude in your presentation, that you want more cooperation with the commission for everybody's benefit, which I'm sure is the best way to go. I wasn't quite sure till you explained exactly what your sarcasm was, but I think there's a suggestion that money is extra tight under this government. I'm not sure that's the case, because as we travelled around, we heard for example that there's been a lot of investment in the marina at Upper Canada Village, there's been a lot of investment in bridges and roads and the sewage works at Fort Henry and so on, so I think there's quite a lot of infrastructure work going on there that was necessary to keep the whole thing functioning.

Mr McGregor: If I can stop you for a moment, I probably would have said the same thing if the Liberals or Tories had been in there, because here again I'll say it's eastern Ontario and money is always hard to get past Belleville.

Ms Carter: But as somebody in government, I find that money is always hard for everybody. There's never enough. But as a representative of an eastern Ontario city, I do understand what you mean as well.

Mr Villeneuve: You're talking Peterborough.

Mr McGregor: That's way west.

Ms Carter: We just scrape in. We're never quite sure whether we're central or eastern, but I guess for this we count as eastern.

One change that we have brought in is that now there is going to be revenue retention within the commission and I think that might lead to changes as regards some of the things that you mentioned, that there might be a little bit more money forthcoming to boost some of those things that obviously have been falling by the wayside. So let's hope that with cooperation and so on you will be able to deal with some of those points.

But I did want to take issue with you very much on one of your suggestions. You say that kids get bored at

Upper Canada Village and maybe there should be a water slide. To me, you know, that goes against the whole spirit of what we're trying to do here. I can imagine taking a bunch of kids along and because there's a water slide there they would say, "I don't want to stay in this boring old village," and they'd be off. Yet it seems to me there are tremendous possibilities there for kids. Certainly at Fort Henr, they were having groups of children stay there and sort of live the life and really absorb history that way. I'm not quite sure how much is being done at Upper Canada Village. I think the schoolmarm deals with people in a very Victorian way and so on. But I really think that would be a retrogressive step, because I think we've got something unique here and if you start filling it up with fun fairs, you're going to detract from the whole atmosphere of what it is we're trying to do. I just wondered if you might have some comments on that.

Mr McGregor: Yes, I have a comment. In the first place, don't take issue with me on that, because I don't have any kids and I could care less whether there's a water slide there or not. I do have grandchildren, however, but they have one at home.

What I said in this is what people have told me, quite a number of people. They are saying that as interesting as you try to make Upper Canada for the children, maybe there should be something just off way. When you say it would take away from what you're trying to do there, if you get over to the marina area, your nice new marina that you mentioned, that certainly is not in keeping either with what they were trying to do in Upper Canada Village.

Mr Villeneuve: A little bit away from the theme.

Mr McGregor: It's away from the theme, so something in that area wouldn't hurt what you're trying to do in the village at all. We're not talking about putting it in the village; put it away from the village.

Ms Carter: I see. Yes, but I just feel that there's such a unique opportunity there to do something with children that you couldn't do in almost any other place.

Mr McGregor: I agree with you there, but that only even lasts for a certain amount of time. I wouldn't argue with you.

Ms Carter: Yes, possibly we could have entertainment for kids that would be more in keeping with the original time. Kids can play old-fashioned games and—

Mr McGregor: Yes. Maybe this little suggestion will spur something else. That's all we're saying.

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Ms Carter: Yes, okay. I think there were some other very successful things that we have done to help tourism in this area. One is the CRIS program of reservations, the central reservation and information system, that I believe has increased business quite a bit, and also the highway signage, which I understand is still not completed, but certainly deflecting people from the 401 and making them realize what you have here.

Mr McGregor: Yes, they're looking good.

Ms Carter: Also, I appreciate your mention of the bikeways. That is probably an excellent way to go in this area. What you have is a very large area of parkland that

is basically flat. As we all know, there's an increasing number of seniors in the population, and I expect to join that group relatively soon. I think open-air activities with frequent places of interest that you can call in at, places to stay and so on, are going to be very attractive to that market and probably would draw from all over the world because a lot of countries don't have the kind of space that we have here.

Mr McGregor: There's lots of space, but you must also keep in mind that I'm in a position where I listen: People come in and they tell me they saw this, they saw that, but they would like to also see this. I think people who are in charge of this sort of thing should maybe listen to what some people are saying as well. I'm in the same position, just in a smaller way, municipal government. We don't have all the answers, and you have to listen to someone else on occasion.

Ms Carter: Yes. I think there are different scales we have to look at here. We were having suggestions, for example, that some people who have residences in the area are worried because they want to see a view down over the water and the natural vegetation gets in the way and so on. But I think if you're looking at it as a world-class tourist attraction, then maybe you don't want to cut away all the natural vegetation; you want to leave that there because it's part of the attraction. I think grass cutting is debatable too, how much of that you actually want to do, whether you want a vast area of cut grass or whether you just want some areas where people can play ball or whatever and others that are left more wild.

Mr McGregor: I think after driving down Highway 401 and witnessing all the weeds, it's a treat to get off and see where there's some grass cut. It did have some bearing on the attitude of people. When you go down there, you see—in areas, yes, I agree with you, possibly in the village where the grass back in the 1800s was this long or something. But out where you are trying to attract people in to see something, they're not going to find weeds and grass this high too attractive and say this might be a nice place to go.

Ms Carter: I challenge that. In England we call them white flowers, not weeds.

Mr McGregor: We don't have white flowers here.

Mr Cleary: Welcome to the committee, Gordon. We haven't had the opportunity to see too many municipal politicians yet, but we would like to get your views on a few things. You're reeve of a municipality right in the heart of the parks commission and also a member of county council that represents a big area of the parks commission.

I just want to ask your opinion on a letter I have before me. It's from the office of the assistant deputy minister and it's addressed to Frank Shaw:

"The minister has told me that the government is opposed in principle to the privatization of any provincial parks, including those owned by the St Lawrence Parks Commission. This would not apply, of course, to the operation of the provincial park by a public agency, including a municipality, so that you can proceed with the Osnabrock negotiations.

"In the case of the private sector proposals for other parks, a cabinet submission will be required to obtain exemption from the government policy before a Management Board submission can be submitted. In fairness to the people who submitted bids, you should advise them of the policy of the present government as soon as possible. I would not be optimistic in obtaining policy approval in time for the 1991 operational season."

It's signed by the assistant deputy minister.

Gordon, do you think that you and your county council and municipal politicians agree with this type of proposal?

Mr McGregor: What you're saying in short there is that they do not like the idea of private people taking over the parks?

Mr Derek Fletcher (Guelph): It's okay for the municipalities.

Mr McGregor: I don't know. I've got sort of mixed feelings in that. But when I look at some of the things that have happened or things that I've heard about—and I'll use I think it's Glengarry Park, where they put in new washrooms or spent thousands of dollars on new facilities for washrooms, showers and so on and so forth, and immediately closed the park. I understand now that those washrooms have been vandalized. The new fixtures—toilets, showers and so forth—have been broken out. In short, they're a hell of a mess. This is what I've been told. I haven't been down to see it, but this is what I'm hearing.

Here we have then the waste of thousands of dollars of taxpayers' money where maybe someone could have gone in and taken over the operation of that park, whether it be private or municipality. If a municipality can make a park work and generate some revenue for itself, I see no problem with that. I also would sooner see a private enterprise go into a park and operate it properly than see something happen like what did in Glengarry Park. That was a terrible waste of money.

Mr Cleary: We might be talking about Charlottenburgh and Raisin River there.

Mr McGregor: Charlottenburgh, okay. Yes, that's the one.

Mr Cleary: I have heard from many of your municipal colleagues who have been after me about this situation and they're very discouraged with the way the parks have been left. Maybe that wasn't fair to ask you that here, but we have to know. That's what these hearings are all about. I think we've got to deal with the municipal people, that's very important, and get their opinion, because I know I was a municipal politician and I guess I was as grouchy as any of them that governments didn't listen, so that's why I asked you.

Mr McGregor: That's my view. I was terribly disappointed, as a matter of fact a little upset, when I heard about the situation down at that park where these new washrooms were built and that happened.

Mr Gilles E. Morin (Carleton East): This letter that John just read dictates to me three messages. The first one is that the government has no money to operate the parks the way they are now. They are against

privatization; in other words, they don't want any private enterprise to take over or at least to establish some form of partnership. Thirdly, it tells me that if the government cannot do it, if the private organizations are not allowed to do it, therefore the responsibilities are directed towards municipalities. That is the message I get out of there.

That means to you that you'll have to pour in money or you'll have to accept the inevitable conclusion that the parks are going to be closed. To me, I don't find this acceptable. I agree with you totally when you say that eastern Ontario is neglected. I'm from eastern Ontario, and it's been going on since I've been elected in 1985, and I see it more and more and more. If we don't rally together, if we don't get together and communicate a direct message to this government that something has to be done, the situation is going to get worse. That is my feeling.

The second comment that I want to ask, a question this time: winter activities. You say that the mound at Crysler monument was closed. Why was it closed?

Mr McGregor: I have no idea why it was closed. As I said in my letter, a toboggan slide had been there. The mound is probably the biggest hill in Dundas county and it was used by tobogganers and skiers, but it's not any more. Anyone who wants to go there has to walk in from Highway 2.

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Just to follow it up for a second and then I'll answer, the cross-country ski trails, probably two or three of the better ones on the north side of Highway 2 which people really liked, including myself, were closed, probably because they couldn't plow the parking lot. I did discuss this with Mr Shaw, stating that we would be willing to send two of our trucks down and plow the entrance and plow the parking lot to provide winter activities for these people. This, as I stated earlier, would also maybe generate some more income for the village store or whatever in the wintertime, and that seemed like a good idea.

Mr Morin: Were there any remarks made to the effect that the monument was built in respect of the soldiers who died there? I'm thinking immediately of the cenotaph in Ottawa, where kids used to use skateboards and there was a stop to that because of the mark of respect. You know, that's a monument for the dead soldiers. Was there any remark made on that? Were there any comments made on that?

Mr McGregor: No. What I was referring to was the memorial itself. It is a building—it's actually the War of 1812—and inside the building there is quite a display and there was a slide presentation and so on, very interesting. It should still be going on. The monument itself is good; there's no problem there.

The Chair: I'm sorry, we're out of time. We'd like to thank you, Reeve McGregor, for your appearance before the committee this morning.

Mr McGregor: Is that half-hour up already?

The Chair: Yes, with a stopwatch, no less. But thank you very much for your time. We appreciate it.

Mr McGregor: Thank you for the opportunity of

speaking to everyone. I was going to add another comment to Mr Morin's bit about eastern Ontario. We are here, and one way or the other we are going to get recognized east of Belleville. Supposing it takes us years and years, we will.

Mr Villeneuve: Keep working at it.

The Chair: That would be good. Thank you.

Mr McGregor: I was down to Niagara Falls and I visited a few parks in that area, and what a difference between the dollars that are spent in Niagara and the Toronto area and what we get in Upper Canada Village and so on. Why don't you see if you could throw us up a few more bucks this way?

Interjection.

The Chair: Thank you. Mr Waters, maybe on your next round you could place your comment.

CITY OF BROCKVILLE

The Chair: Our next deputation is the mayor of the city of Brockville. I would like to welcome Mayor John Doran. Good morning, Mayor Doran. Please make yourself comfortable. I think you know you have 30 minutes, and included in that time the members would like an opportunity to ask you questions. Please proceed. Thank you.

Mr John Doran: Certainly. Thank you very much. It's certainly a pleasure for me to be here this morning as mayor of the city of Brockville. I have a prepared presentation that I'd like to go through, and then an opportunity to ask questions or to respond to any concerns that the members of the committee may have.

The first comment reflects, I believe, our city, the corporation of the city of Brockville, and the supportive relationship with the St Lawrence Parks Commission. The commission is an integral component of the economic fibre of eastern Ontario and has developed excellent relations with the communities it serves. In an endeavour to outline some of the more specific relationships and the related impacts on same, I would like to note three or four specific areas where we feel the commission has worked very closely and does have an impact on our community, the city of Brockville.

The city clearly recognizes that the St Lawrence Parks Commission provides a significant base on the tourism economy of eastern Ontario. Its attractions, parks and points of interest provide significant anchors and clusters of tourism opportunities that stimulate travel to our area and generate economic impact as a result of this visitation. We are aware that the commission contributes approximately \$80 million in sales activity annually, with over \$15 million in tax revenue and over 1,000 person-years of employment to the economy of eastern Ontario.

Our own community actively packages tourism opportunities with group travel markets and the St Lawrence Parks Commission attractions. Particular examples are Upper Canada Village and Fort Henry. Our community has been supportive of the major capital improvements to the commission's attractions and feels these enhancements will maintain the tourism product and attractiveness to the discretionary traveller. We also have been encouraged by the commission's transition to entertain

our visitors as opposed to strictly educate. This has been particularly well orchestrated in the Upper Canada Village and Fort Henry activities.

Finally, we consider the government's approval for the commission to retain revenue a very strategic step towards revitalization and financial stability of the parks commission sites.

One area that's very important to our community is the various partnerships that we have been able to entertain. The St Lawrence Parks Commission has been active in developing working relationships with area communities, and again the development and marketing of the eastern Ontario tourism product has been the key focus.

Specifically, the parks commission plays an active role on the board of directors on the Eastern Ontario Travel Association. The commission provides advertising support in most of the community and regional tourism guidebooks and has been a major player in the formulation of market plan development. The commission, through the general manager, is also active with the Ontario East Economic Development Commission. This association is a much broader organization, with responsibilities related to industrial, commercial and tourism-related activities.

In terms of partnerships developed with the city of Brockville, the commission has been a supporter of the extension of the St Lawrence bikeway path from the Thousand Island Parkway to the city of Brockville. The commission also has worked with several tourism and environment-oriented agencies on the development of a vision statement incorporating all aspects of tourism development and the environment of our area. This working group is international in nature and represents both communities and park authorities in New York and Ontario.

In the area of communication, the St Lawrence Parks Commission have not isolated the corridor communities in the development of their own plans for future growth and development. We are kept apprised of all significant developments of the parks commission and have been invited to contribute accordingly to their planning. The parks commission has invited all area communities to special events associated with historical sites, parks and special-event programming. We are most pleased on the communications between the commission and area municipalities.

Just a brief summary: We trust the comments contained herein clearly identify our support of the activities of the St Lawrence Parks Commission. We trust this openness will continue and our community will continue to be provided with greater opportunities for partnership in the development and marketing of our eastern Ontario tourism product.

Some general comments: I think eastern Ontario is linked by two or three major communications systems. We have Highway 401, we have the heritage highway or old Highway 2, and one of the important gems in our area, I believe, the St Lawrence River. In Brockville we have an excellent municipal harbour. The parks commission has recently developed its harbour, and we have been looking at ways of utilizing the St Lawrence River as an alternative method of transportation with the land-

based transportation systems to really expand the tourism market in eastern Ontario.

In Brockville we think we're anchored between two solid anchors, Fort Henry on the one side and Upper Canada Village on the other side. What we've been attempting to do is organize communities that are not really destination tourism communities as part of a co-op advertising program. The parks commission has been very supportive of our efforts not only in the tourism area but also in the heritage area of our community. Whenever there's a heritage event going on and our heritage organizations need support or direction, we can always turn to the parks commission, and they have been excellent in providing us information.

I'd certainly be prepared to answer any questions or comments that members may have.

The Chair: Thank you very much, Mayor Doran. Eight minutes per caucus, and we start with the government members. Mr Waters.

Mr Waters: I didn't realize I was at the top of the list. I found your presentation intriguing and actually quite delightful.

Mr Villeneuve: Nothing negative.

Mr Waters: Nothing negative.

Mr Doran: You're waiting for the other shoe.

Mr Waters: I like to see some positive things. So often people come and it's negative. It's nice to see some positive things.

Frank might just crawl under his chair when I suggest this, because it's going to make more work for him, and so might the people from the ministry here, but I have thought about—and we did it this year; it took us two years to plan it—a marine heritage festival, and what better place to do something like that than the St Lawrence? It was the highway before the white people ever came here. In our case I know it took us two years of planning and work to create such a thing, but has there ever been anything afoot to bring all of the communities together to focus on the St Lawrence and eastern Ontario as a marketing—because the marketing of that is incredible, what it does to your community.

Mr Doran: I think the catalyst that brought that clearly into focus for a number of municipalities in eastern Ontario that enjoy the river was that there was a movement afoot when several municipalities were looking at the casino issue; one of the issues raised was the possibility of a floating casino. What that really precipitated was a discussion of parallel transportation systems, where someone could get on a boat or some kind of floating device in Kingston, go to Upper Canada Village, get off and get parallel bus systems. That did start us thinking more of linking that communication vehicle, I guess, the river as that connecting link. I think up until this year that has been somewhat bypassed, because we've all been interested in developing our own harbours and our own waterfront facilities.

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Mr Waters: It's something I've noticed since the redevelopment of the Chrysler marina. Before when I went down there, several times, I've never seen crew

ships like I see now, and at Upper Canada Village. Obviously, it has affected the viability of the village. If their visitorship is up this year, that's partially because we now have people looking at the river as a means of transportation and as a tourism product, more than just for fishing or the odd sailboat, shall we say.

One of the things I think also happens is that after an attraction is as old as Upper Canada Village, if you don't build on it, it does become stale to some of the local people. I'd like to know your feelings, if indeed the money becomes available to do the waterfront at the village. To me, for any community along the river that would have been there historically, if you were building a historic community, the front door is the water; that was the highway of the past. It's the one thing that really is lacking, I find, at the village, and I wouldn't mind your comments on whether we should proceed with that or not.

Mr Doran: That would be an area that certainly is one which needs some attention. As I mentioned before, we've all taken the river for granted as a transportation vehicle, and we've focused on Highway 401 or the Heritage Highway. I think these linkages are the next generation to attract tourism.

What we have seen in our harbour this summer, and we have a fairly sheltered harbour, is more boater traffic and larger boats. One of the things we're seeing is that people are buying those kinds of boats instead of cottages and using those as one- or two-week recreational retreats, compared to where we used to see them going to cottage country before. I think it gives us an opportunity to attract those people.

One of the things we find in our harbour is that once they get there, it's: "What do I do? How do I go uptown?" or "How do I shop?" We've had a demand for walking tours, and we have our chamber of commerce on the waterfront. The demand there this year has been for a lot of information about, "What can I do this afternoon for two or three hours?" I think anything that the village could do to add to that would certainly be a plus, because it's another reason to stay there for an extra day if you have a family or whatever.

Mr Waters: If I might make a suggestion, you've mentioned that you want a bicycle path, and one of the things I've talked to some communities about—in fact I talked to Gananoque yesterday after the meeting—was taking the found or stolen bicycles that your police force accumulates and painting them one colour and putting them as courtesy bikes. As your boat traffic increases, it gives these people an opportunity to get around, and so what if somebody takes one? They've taken a stolen bike. Well, we've lost a lot. I think we have to look at all those things.

Mr Fletcher: Excuse me. My son just had his bike stolen.

Mr Waters: What I think happens is that if they're not reclaimed, there's no cost to the municipality other than a bit of paint or something to make them one standard colour. It gives you that linkage for the bike path that you so desperately want and need and the linkage to Upper Canada Village via the bike path. I think it would be a wonderful addition.

Mr Doran: I could see that if we had a number of communities that did the same thing, so that if you're a boater, you know that if you stop at any one of these three or four marinas there's transportation. Even if it's to go to the local grocery store to get some bread and milk and groceries or whatever else it may be, at least you have a transportation system there.

Mr Waters: But that means changing some mentality where historically everybody competed with the next town, now making everyone understand that they shouldn't compete with the next town but that it's another region they compete with.

Mr Doran: In the conversations we had about a year ago when we looked at the other issue I talked about, that became evident to the waterfront communities; you're looking at Gananoque, Brockville, Prescott, Cornwall and Morrisburg, those that front on the waterway. We've never really gotten together and discussed the waterway and how we can maximize that up until that particular issue.

Mr Waters: How do you feel about leasehold opportunities or partnership opportunities? Early on, when we talked to the parks commission one of the things we talked about was the fact that there is not a lot of bedrooms; in certain areas, there are some big gaps along the commission. Do you think about partnerships in creating some of that bedroom industry, let's say, small country inns or something like this with a partnership with the private sector?

Mr Doran: Partnerships in what respect? That the private sector would put in the equity and then local entrepreneurs would build them or renovate them or create them?

Mr Waters: Partnerships in the sense that the commission would retain ownership of the land on a very long-term lease, let's say, and work out a partnership, yes, where the private sector would build the facility, probably, on it.

Mr Doran: You'd have to take it almost community by community to see where the land is actually held and who owns the land, and I can only speak from our community's perspective. Waterfront land is very cherished. If the municipality owns it, of course they want to control it; if the private sector owns it, of course they want to maximize their rate of return, and traditionally that's condominium and high-rise. We always continually fight that battle: How do you accommodate both criteria?

But anything to encourage people to use the river as a highway, be it through bed and breakfast or some accommodations, would be well received by communities. I think in our case of Brockville, we have a number of older homes downtown that could very easily be converted into bed and breakfasts, easily within walking distance of the harbour.

Mr Morin: The more I look at this issue of tourism and the St Lawrence Parks Commission, I have sympathy for the commission in the sense that it is given the responsibility to make sure that it tries to reduce the deficit as much as it can. They've come out with studies, they've come out with reports that the only solution is to

form partnerships not only with municipalities but also with private industry, and to create jobs. They have done this with Grenville and it's a success; it works well. Talking to my colleague Noble, apparently everybody's happy: They are making a profit, the government is making money, and it serves the public well.

On the other hand, here is a letter sent by an assistant deputy minister from the ministry of tourism that says:

"The minister has told me that the government is opposed in principle to the privatization of any provincial parks, including those owned by the St Lawrence Parks Commission. Of course, this would not apply to the operation of a provincial park by a public agency, including a municipality, so that you can proceed with the Osnabruck negotiations.

"In the case of the private sector proposals for other parks, a cabinet submission will be required to obtain exemption from the government policy before a Management Board submission can be submitted."

The St Lawrence Parks Commission does its best, under pressure, to come up with a solution, a good solution for eastern Ontario. The government says no. On the other hand, you also have OPSEU, the union, that comes along and says, "Look, if you close the thing, we're going to be without jobs." It seems there is sort of a vicious circle there. This is why the message will have to be communicated very clearly that the government must take the lead to try to encourage, first of all, to listen to the St Lawrence Parks Commission, make sure the employees are well protected, and make sure the citizens of Ontario benefit from the fact that the industry is flourishing. Somebody has to take the lead, otherwise we are staying put, we are doing nothing. We know what the answer is, we know what it is, and we must make that decision. Do you agree with that, Mayor?

Mr Villeneuve: But that's not a leading question.
1050

Mr Doran: Yes. I'd back up, though. When you talk about privatization, there are different ways to accomplish that. I think the one thing we all can agree on is that we do not want to see our parks closed, locked shut, that people cannot get into for whatever reason. That's the key thing, because when someone travels in eastern Ontario and sees provincial parks that are no longer operating—and we have one or two in eastern Ontario—I think it sets the wrong image, and somehow we have to make sure those facilities operate. Privatization may be the municipalities taking it over with some kind of cost-sharing, the private sector taking it over, or contracting the facility out somehow.

You're right. One of the things we clearly need in eastern Ontario is a strategic plan for tourism development, which encompasses a number of things: It encompasses marketing, it takes in the St Lawrence Parks Commission, and it also involves municipalities, because we have a role to play. I think most municipalities are prepared to accept that role, provided that we know everybody's on a level playing field and we know what the rules are and that the rules don't change.

Mr Morin: Privatization doesn't frighten me. There's

nothing wrong in making an honest buck, but under control. The government could keep its property, long-term lease, establish real good standards so it doesn't become a circus, so we don't destroy the beauty we have. That can be done: strategic planning, as you say, very true. Get the municipalities involved, because you benefit from it. You are the experts because you live here, you see it every day. If you want to attract people, make it a decent place to live, make it a pleasant place to be and to visit.

This is why I think some freedom must be given: freedom of expression, of your feelings. Nobody understands your situation better than you—not the Toronto people, not the people from down south: people from eastern Ontario. This is why it's so important to voice your opinion and let the politicians know what you wish to have. It's only through constant pressure that you'll achieve that.

What I find sad is that we all know the answers, yet nobody wants to make the move. I would encourage you, Mayor, along with your colleagues, the other municipalities, to bring that forward to the association of municipalities, because if you don't do it, obviously nobody will do it.

Mr Doran: You're right. We have a role to play in there. It's easy to sit here and complain about what we have or don't have, but that's not really going to change the reality of the moment. What we do have are some resources that we have to maximize, and we as municipalities have to be prepared to fund our share. But one of the things we clearly need to know is, what is the strategic plan and what are the roles of all levels of governments: What's expected from the municipal level, the provincial level and the federal level?

We see at first hand the impact of tourism, we know what it means in our community. This year we're benefiting from a very good year in tourism, and our merchants know that and I think they're prepared to respond. But we really need to know how we fit into that overall plan.

Mr Cleary: Welcome to the committee, Mr Mayor. I know the feeling of many of the municipal politicians around here about the present policy of the government on private enterprise taking over operations that were closed, no matter what they might be, that only municipal people could enter into an agreement to operate what they've operated in the past, possibly unsuccessfully if they were closed. Would you not feel that if it were turned over to the municipality, the only one that could enter into an agreement, that's another case of downloading on the municipalities?

Mr Doran: It depends on what the criteria are for the municipality's responsibility. If it's simply that of finding someone to operate the facility and also funding the cost of that, then 100% of that decision-making responsibility should indeed be the municipality's. If it's to find a private contractor to do that and to subsidize the deficit, then of course it's a strict download, no question about that.

But I think a partnership role could be played between the private sector and the municipality and the province. The one thing anybody who's involved with tourism is concerned about is the shrinking dollar commitment to

the tourism industry from all levels of government, and I know the EOTA is very concerned about that and very active in its lobbying issues in that area. I think we can play the game as long as we know the rules and the rules don't change. That's the key thing, I think; it's important.

Mr Cleary: We've been trying to get to that stage for almost five years now, that partnership. We hear, "It's coming, it's coming." We hear it's coming in November. I hope I'm surprised and it does happen, but I'm not sure it's going to.

Mr Runciman: John, the city of Brockville—I don't know if this is unique, but in my experience it is: a municipality within its boundaries operating a campground right on the waterfront. What's the municipality's experience with respect to that? Is that a money-loser in terms of its operation? Is it a break-even proposition? How does it work?

Mr Doran: No, it produces revenue to us; we see it as a revenue source. We combine that with the operation of our harbour as well and the two really are run under our parks and recreation department. It's not a large campground, as you well know, but we see it as a real asset. One of the assets is that it's so close to town, really just on the fringe of town, so people can camp there and walk, within a two-minute time frame, right downtown.

Mr Runciman: How do your rates compare with the private sector? Do you do some sort of analysis of that?

Mr Doran: We do an analysis of that, and we're on the same par or a little bit below that, because it is a municipal campground.

Mr Runciman: You also this summer—this is the first time I saw it. You're allowing a private sector operation in the park with the rental of Sea-Doos. How is that working out, and do you see any expansion to that in the future, that sort of initiative?

Mr Doran: Not well, and no. It's not necessarily private sector operating it but the type of business they were operating. One of the things we noticed very quickly, from the residents around there, is that the people who operate Sea-Doos use them for maybe 15, 20 minutes. You rent a Sea-Doo and you go out and you go around and around and around for 15, 20 minutes, then you leave and the next person comes along and they go out and they go around and around and around for 15, 20 minutes, and you have this constant noise. We found it wasn't a positive experience and we won't be doing that next year.

But we strongly feel that private sector, if they come forward, have a role to play and should have access to municipal property, provided that it can be controlled and it fits in with our strategy.

Mr Runciman: So are you doing anything else along that line, in terms of those kinds of initiatives that aren't going to offend the neighbourhood?

Mr Doran: Very much so. One of the things we're working with is the Brockville Foundation, which is a charitable foundation that people contribute money to. They're looking at heritage things, and, as you know, one of the projects we're looking at is the establishment of a viewing platform on one of the islands which is a stone's

throw from the shipping channel so that people would be able to come to Brockville, go out to the island and spend an afternoon there and watch some of the ships go by.

The other thing we're looking at too is coordinating and listing the times at which the major ships will be passing Brockville so that tourism will know. If you happen to be in the city, you can say, "In half an hour we know there's a large ship coming by, so we could go out to an island or we can go down to the harbour and watch it pass the city."

Mr Runciman: The Gananoque chamber was here yesterday, and they were talking about marketing tools in respect to, from their perspective, Fort Henry. I think you're right in the centre of Fort Henry and the village. She was saying that the chamber and other agencies could sell tickets, for example, out of their agency to Fort Henry or to Upper Canada Village, what have you, for some sort of commission. I gather that's not occurring now. You haven't heard any feedback along those lines?

Mr Doran: No, not that I'm aware of. But one of the things that I know our chamber has talked about in preliminary terms is a kind of passport. We talked about it for the city of Brockville, but you could certainly do it for eastern Ontario, where you could stop at one place and buy an eastern Ontario passport which would include a number of different events or attractions or whatever. The thing is to encourage people to stay that extra half-day or extra day, because that certainly generates extra dollars.

1100

Mr Runciman: How do you feel your community would feel about the development—I know Ron Huck was here yesterday, the president of the EOTA, and he mentioned the idea of building an accommodation centre or hotel, what have you, down in the Crysler Park area. How do you think that would go over in terms of your own municipality, additional rooms coming on the market? Do you think that's a viable proposition? I know Prescott's been trying to get a hotel for years and years and years. Brockville would like to have a waterfront hotel. I just wonder how realistic that is.

Mr Doran: Having been in the motel business at one time many years ago, I think the problem you run into is, the summer's not the issue. In the summer you can use the rooms and you normally have a fairly high occupancy rate. The problem is the wintertime. I think that's one of the problems Prescott struggled with: How do you put people in those rooms in the middle of February or January? That's the problem. I think probably Upper Canada, though, would have a bigger drawing card than a lot of communities, because you could create some activities around the events that are already there in the village.

Personally, myself, I don't think you'd find any negative reaction from the city of Brockville. I think you'd find support. Anything that's going to bring people into our area—and we're hoping to get them to spend an hour or two in our community—is certainly going to be an attraction.

Mr Villeneuve: Your worship, thank you for being here. You mention that you had more boat traffic in your harbour this year than normal. Is that because possibly they left from Alexandria Bay and came over to Ontario?

Mr Doran: We'd like to think so.

Mr Villeneuve: Alexandria Bay has had many, many empty motel/hotel rooms this past summer. Have you noticed an increase in your occupancy in Brockville?

Mr Doran: Our traditional occupancy in Brockville has stayed pretty well standard. We're up fairly high in the summer months, like about 95% to 98% during the summer months, and that's been up there. Where I've noticed it particularly increasing this year is at the harbour, with the number of boats and the size of boats, and quite often a number of those boats tend to be coming from Quebec. They tend to be from the Montreal area because, as they come up the river, Brockville gets to be one of the major centres that you could stop at.

Mr Villeneuve: Would they be doing the triangle, then, up the Rideau, down the Ottawa and back to Montreal?

Mr Doran: I don't believe so. I think if you look at the statistics you may find that some of the traffic on the Rideau is dropping drastically because of the fees that have been imposed there and some of the other criteria that they're looking at. The people I've talked to who spend time on the Rideau I think have noticed a decrease in traffic this year, so I think what you're finding is, people are coming up the St Lawrence and utilizing harbours like Brockville or Morrisburg and spending some time on the islands, maybe going to Kingston, and then heading back east.

Mr Villeneuve: It's an area of very heavy boat traffic in the summer, particularly the private small watercraft coming from both Alexandria Bay-Brockville and all of the points in between. A river festival, that type of thing—I understand you had a bad experience with a \$1-million fish here a few years ago that didn't work out very well.

Mr Doran: It got caught.

Mr Villeneuve: It got caught.

Mr Runciman: The first day.

Mr Doran: The first day, yes, it got caught.

Mr Villeneuve: What did it cost Lloyd's of London?

Mr Fletcher: You've got to tie a rock on those things.

Mr Doran: Maybe we should let them go in Prescott.

Mr Villeneuve: Seriously, has there been some thought given to festivities, fleet activities, whatever—the Maritimes have that in many instances where they have a special weekend/week where all of the watercraft and people who own them get together at some sort of a festival. Does that happen, or is it being considered?

Mr Doran: We have Riverfest, which is 10 days in the early summer and our harbour is double and triple-booked. We actually raft boats three deep off the dock because there's that much of a demand, and that's 10 days of concentrated activity. We've never really taken it the second step, though, of trying to link that with other

communities, say with what Kingston's doing or Gananoque. We see that at the start of our summer season, Riverfest, and it's been just a tremendous event. We'll get on an evening 30,000, 40,000 people down on the waterfront.

Mr Villeneuve: Right after shad-fly time?

Mr Doran: Yes, hopefully.

The Chair: We'd like to thank you again, Mayor Doran, for your appearance before the committee this morning.

Mr Doran: Thank you.

JOHN McMANUS

The Chair: Our next deputation this morning is Mr John McManus. We do not have copies of Mr McManus's presentation. However, they will be circulated to you upon return.

Mr John McManus: I'd like to thank the committee for this opportunity to participate in a review of an agency I think is vitally important to the economy and social fabric of eastern Ontario. I am here as a taxpayer because I, in part, pay the bills of this organization and I share, along with everyone else in Ontario, partial ownership of this organization. I'm a worker and a union member at Upper Canada Village, and in these two roles I share the same desire as an owner: I want the commission to succeed and to contribute.

My focus is Upper Canada Village because I know it best, but nothing I have seen would indicate that my comments do not apply commission-wide.

A problem facing this committee is mismanagement of the St Lawrence Parks Commission. This problem has been identified by the 1989 report of the standing committee, officials in the ministry, local residents and business people, visitors and staff. I will address problems with marketing, mandate and social responsibility, budget, visitation, the future and solutions.

There are also many human resource problems, including harassment, discrimination against women, francophones and the disabled, nepotism and cronyism and anti-union activities. These problems have resulted in the processing of a large number of grievances which are now before the grievance settlement board as well as the filing of an unfair-labour-practice tribunal complaint.

Marketing was an area found wanting by the previous committee. Five years ago, improvements, including a vigorous marketing strategy in the populated area of central Ontario, were suggested. No action was taken by the SLPC.

Marketing is still inadequate. You can drive up and down 401—I'm sure some of you have—without finding any St Lawrence Parks Commission or Upper Canada Village literature. Information is not found at the international bridges at Cornwall and Ivy Lea. If you go to Ottawa, you will find no information in hotels. In Merrickville, one hour from Upper Canada Village, where I live, there is information at the local museum; unfortunately, it is more than 10 years old.

Mr Runciman: What about at Sam Jake's Lodge?

Mr McManus: None. The original mandate of Upper

Canada Village was to celebrate local history by preserving and displaying the material culture of eastern Ontario, to interpret this rich heritage and to educate the public. During the past few years, this mandate has been changed. Upper Canada Village is now an attraction with no mandate to deal with local history or to educate anyone. This change to a theme park mentality is completely out of step with the tourism business of the 1990s. According to the Ontario tourism industry report of February, 1994, cultural matters are foremost in the minds of travellers and attractions are losing the interest of the travelling public worldwide.

The standing committee, in its last report, also requested that the social responsibility of the St Lawrence Parks Commission be clarified. This responsibility stems from the beginning years of the commission when the government of Ontario was burning people's houses and was involved in flooding their farms and villages. At this time, a trust was entered into by the government and its ministries. People's land and houses were replaced and the economic opportunity lost to the St Lawrence Seaway water would be replaced by a vibrant tourist industry that would create jobs and profitable business opportunities.

This trust has been betrayed by the management of the St Lawrence Parks Commission. They have been in the business of shutting the operation down for the past few years. Every time Upper Canada Village closes a building, they might as well get in their car, buy a padlock and padlock a hotel, because businesses will go down.

There is a motel in the area that met with representatives of Upper Canada Village to discuss cross-marketing. This business has been sold twice and has gone bankrupt once and is still waiting for a reply from Upper Canada Village.

The last review in 1989 also dealt with budget matters and especially administrative overhead, which was described as at least twice as high as at other agencies. This is reflected in my instructions about budgeting. When I price a program, I calculate the labour cost, I determine the cost of the materials needed, then double the total to pay for overhead. A program that costs \$2,000 to present costs \$2,000 to administer. No business in the world can run with a 50% overhead.

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At Upper Canada Village, if all non-management staff were fired and no money was spent for supplies, they would still lose more than \$1 million. Budget deficits have been fought on the backs of the staff. Obviously, we are not the problem and this is not going to work. For seven months of 1992-93, 43 managers managed 49 workers. Upper Canada Village has responded to an administrative overhead that's out of control by raising the salaries of managers and by firing enough workers to find this money internally.

Salaries, however, are not the only problem. At Upper Canada Village, they have managed to overspend their ODOE budget by \$100,000, approximately 30%, this season.

Mr Runciman: What is that budget?

Mr McManus: About \$425,000.

Mr Runciman: What is ODOE?

Mr McManus: Other developmental and operational expenses, the money that's needed to buy the goods that are used up or the services that are used up in programming.

Visitation has fallen. From 1988 to 1993, attendance at Upper Canada Village fell from 260,000 to 190,000. This 30% decline indicates something seriously wrong. With professional management working, the business should be headed in the direction of operating 12 months of the year. However, we have been engaged in closing buildings and turning a once living history village into a dead village. In 1990, 25,000 visitors were lost by management decision. Education programs, adult workshops, a Christmas program and a March break program were cancelled and the season was shortened by two weeks.

Closed buildings have had a disastrous effect on visitation. On any given day, 25% to 30% of all buildings are closed, and going a second day isn't going to help. On your tour, you saw two thirds more than an average visitor, and you saw nothing, because even if the village had been open, you would only have seen 70%.

The future looks bleak, but I do have faith that this is an important agency and can be made to contribute, although it seems probable that within two years, Fort Henry may have left the commission and the Ministry of Natural Resources may have integrated the St Lawrence parks into the provincial system.

Upper Canada Village seems intent on facing a changing future with a policy of staff layoffs and building closures. A waterfront theme park has been planned, but no funding is available to build or staff this project. The management at Upper Canada Village will have to show that they can run what they have before their new project should be taken seriously.

Solutions: Upper Canada Village needs better management. Buildings need to be open and they need to be staffed. Honest relations need to be established with staff and the people of the area. The huge administrative overhead and the ludicrous management-staff ratio need to be cut to rational levels. A marketing staff that believes in Upper Canada Village and its product needs to market aggressively. Upper Canada Village needs to have professional management working towards a 12-month season that will attract enough visitors to make the economy of eastern Ontario boom.

Upper Canada Village is now a contributor to the Ontario treasury and has the potential of being even more productive. The Kubursky report details this. If the administrative overhead was rationalized, the operating grant would be less than \$1 million. If this \$1 million were eliminated, the Ontario treasury would lose up to \$4 million directly in taxes, a further \$4 million in taxes as money ripples through the system and potentially \$3 million-plus in welfare payments and raised costs for health, social services, police and university loans. A \$1-million operating grant could mean the difference between 237 direct jobs or no jobs. A car manufacturer in southwestern Ontario would get \$12 million from the government to create this many jobs.

Funding for Upper Canada Village is seed money needed and used to create employment, economic opportunity and government revenue. With professional management, the economic return would rise, the grant needed would fall and both the region and the Ontario treasury would benefit.

The Chair: We're down to 15-minute rotations, as members will notice from their agenda, and we have less than five minutes left so I would suggest we have about a minute and 20 seconds per caucus. We start with the Liberals.

Mr Cleary: Welcome to the committee. I heard you say something that I found interesting. Did you say 43 managers and 49 workers?

Mr McManus: I did.

Mr Cleary: Could you explain a little bit to us—

Mr McManus: For the five months from November 15 to March 15, 43 managers were at work and only 49 employees were at work. We're mostly a seasonal staff and one of the tricky things that has always happened is staff ratios are expressed as if everyone worked for 12 months. Sometimes I think they count the cows and the horses. You get these wonderful ratios. The truth is much different. If you take person-years of employment, you'll find that the ratios are ludicrously small and I think the ratio of 43-49 over the winter of '93 proves my point.

Mr Runciman: John, I very much appreciated your contribution here today. I'm not sure if everything you're saying is accurate or not; we're not in a position at this point to reach that determination. But I appreciate your contribution much more than the OPSEU presentation earlier because I think you're being pretty frank in respect to your position and in terms of offering alternatives as to how this place can succeed as well, or how the whole operation can succeed.

Since we have very limited time, I hope you will follow up on your submission today by writing to the clerk of the committee with more details about things like nepotism and some of the problems you see in the operation of the commission. When we get a response to this, we will ask the commission folks for a response to what you've said here and then I'd like you to respond to their response so that we have as many facts on the table as possible when we write a report. Thanks for being here.

Mr McManus: You're quite welcome. I am going to give the clerk a package with a number of documents. Some of them are quite confusing, but I'm available after work or on weekends on the telephone to anybody who wants any explanations. I will follow up on your suggestion. Thank you.

Mr Waters: Hi, it's nice to see you again. I can remember when we did the Chrysler marina I met with a number of employees just before we actually did the opening. There are some of us around the table who were there that day. I know at that point there was a major concern about the marina once it was redeveloped being turned over to the private sector to be run, and jobs there.

It was around that time, because I was just getting accustomed to what was going on with the park commis-

sion, that I realized how important revenue retention was, that indeed it took away any idea of the park commission ever privatizing that or contracting it out because it was able to keep the revenue from it. I would say that revenue retention is probably helping the park commission in keeping the jobs and indeed hopefully, if we ever get the expansion on Upper Canada Village, that there will be more jobs there. I would see that very much as job protection, the expansion etc.

As far as the 30%, I know that I come from probably, I like to think one of the premier tourist areas in the province, and if we only drop by 30% during the worst recession since the 1930s that the whole world has seen, it would be a miracle. It was far greater than that.

The Chair: Mr McManus, we'd like to thank you again for your appearance before the committee this morning.

1120

ANNA MARIA LEHMANN

The Chair: Our next presentation Ms Anna Maria Lehmann. You have 15 minutes. Please proceed.

Mrs Anna Maria Lehmann: My name is Anna Maria Lehmann. First I would like to thank the committee for giving me the opportunity to present my concerns regarding the operation of the St Lawrence Parks Commission. Secondly, I sincerely appreciate the effort and the diligence of the committee members in addressing my concerns and in recommending a solution. I've presented a written brief, but as it is rather detailed I will just go over it in headlines.

One of the things I'd like to address is the objective, why I am here. I respectfully ask the committee members to review the operations of the St Lawrence Parks Commission and answer the following questions: What is management of the St Lawrence Parks Commission doing to promote tourism? Are the Ontario taxpayer and the visiting public getting full value for their money? What is its responsibility regarding the protection of the local history and its conservation? Where is this site headed? What is the long-term economic viability of the St Lawrence Parks Commission?

I consider myself to be a tourism professional, so my main question is, of course, "What is the management of the St Lawrence Parks Commission doing to promote tourism?" The integral part of success in the tourism industry is, in my view, customer service.

I have two pages which state nothing but cutbacks and elimination of services. It's too long to get into it, but I'll just state the last thing, that a review of the organizational chart from Upper Canada Village from the year 1990 compared to the reality of the operating season of 1994 shows a loss of 50 skilled interpretative positions, loss of front-line staff providing quality customer service. I think you can appreciate that if you have two pages of nothing but cutbacks, the question is really there: Do the taxpayer and the tourist get value for their money?

After "Customer Service Delivery" I make a couple of question marks. Just a few small points to that: Why is customer service delivery promised after waterfront development at Upper Canada Village? According to

management of Upper Canada Village, waterfront development is the most extensive—I would call it the most expensive—and dramatic proposal for change to the village's physical layout, programming and image since it was first created in 1961.

I have to pose the question, if the St Lawrence Parks Commission cannot manage what it has a mandate to manage, what economic benefit will the commission derive from redevelopment? Second, what was the economic benefit of a capital expenditure of approximately \$16.8 million during nine years of operation, and how did it translate into customer service? Was it just a corporate logo and uniforms? Why the increase in admission fees of over 300% in the last decade and at the same time that downsizing and elimination of customer service? Then of course, why is the excellent customer service of the interpretative entertainment officer limited to the exclusive visit of VIPs, and who pays for this service?

I'm also very concerned about marketing. Why does the St Lawrence Parks Commission lack a marketing strategy, taking into consideration all program planning—and that should be based on facts—all operations—and that should be based on visitor response—price sensitivity, including the needs of intermediaries and different market segments, and evaluate decisions based on program success and cost? After all, we have revenue retention.

Just a few comments to that. Why is relevant marketing research information not accepted by management? I have personally informed management that Tourism Canada, at great expense to the taxpayer, does extensive market assessments of major foreign markets, namely, the US, Japan, Germany, the United Kingdom, France and so on, and its findings are available for free. I went to Ottawa and visited Tourism Canada myself, picked up market assessments, studied them and offered to provide the market assessments to my supervisor. The market assessments are available for free and present a valuable resource for marketing strategies. Needless to say, they didn't take the market assessments.

Why has each and every effort on my part to promote Upper Canada Village been stifled or boycotted by management? For example, I was asked by a German tour operator to survey German visitors on my own time, but was denied management approval to carry out the survey at the parking lot of Upper Canada Village. I have asked to advertise and promote the guided walking tours at the opening of the visitor centre at the bird sanctuary, just to be told that the St Lawrence Parks Commission did not want the guided tours to be advertised.

Why is the marketing department making press releases in the Brockville Recorder and Times that people in the area are not interested in history or its preservation? I don't think that is so, and I can't understand their comments.

Why is the marketing department promoting a service on TV, CJOH, if the program was not even available this year? The announcement was made by a marketing official in August.

Of course I have a problem with management style and exemplary actions, and its impact on customer service.

An Upper Canada Village division corporate priority is supposedly to improve visitor services and hospitality, so why would a manager make a statement at staff announcements that the paying visitors, namely, the United Empire Loyalists, were "a royal pain in the butt" just because they expected customer service?

Why are the requests for customer service by European tour operators purposely ignored by management? FFO, a German tour operator, had a number of bus groups last fall, and they requested linguistic services at various times, to no avail. Why are the complaints by tour operators and the visiting public ignored by management, and where do the many visitor complaints end up?

Why have competent and dedicated employees been intimidated and harassed, and did this management ever consider its impact on its most valuable resource, the employee? Favouritism, nepotism, harassment and intimidation are the largest obstacles to success at the St Lawrence Parks Commission.

Of course, you see my conclusion. I have to take it somewhat lightheartedly, or else I would not have survived my working season at Upper Canada Village.

I thank you again for letting me speak.

The Chair: Thank you. We have two minutes per caucus, and we start with the Progressive Conservatives.

Mr Villeneuve: Anna Maria, you are still in the employ of the parks commission as an interpreter?

Mrs Lehmann: Yes, I'm laid off right now, a seasonal layoff.

Mr Villeneuve: When a German tour bus, for instance, which I believe is one of the languages in which you interpret—why has there not been a reaction to accommodate these people to give them some personalized, in their own language, interpretation? Can you explain that?

Mrs Lehmann: No, and those are the questions I am asking because, quite frankly, it is beyond me. I don't understand how marketing and how management at the St Lawrence Parks Commission works. I have been in the private tourism industry for over 20 years in Europe and I have worked at Upper Canada Village for the last 12 seasons, and never in my life in the private industry have I seen management which would work like that. I just can't understand it.

Mr Villeneuve: Do you put your requests through to your supervisor or do you go through a union? Is there a protocol that you're missing, or is it just being completely disregarded?

Mrs Lehmann: When I was approached, I went to my supervisor, and they said: "We can't accommodate that. We have to look at it next year." If you have the tour groups staying and if they are asking, it is pretty difficult to say, "We'll look at your request next year." I wouldn't even dare to give them that answer.

1130

Mr Villeneuve: Is there any interpretation done at all with these people or is it done in the English language, which most of them don't understand? Is the interpretation simply set aside?

Mrs Lehmann: Officially, German is not the language we use. They might be lucky and they might hit somebody who speaks German with them. They might not be lucky. I'm not controlling the scheduling.

Mr Gary Wilson (Kingston and The Islands): Thanks, Ms Lehmann, for your presentation. You raise some disturbing items in your presentation. Although I think it's fair to say that you and the commission share the same goal of providing a first-class service, obviously, as to how you do it, there is some discrepancy there.

I'm interested to hear, first of all, about the charges you raise of harassment and intimidation. Is your position not unionized?

Mrs Lehmann: I would rather not comment on the—

Mr Gary Wilson: No, but I was just wondering whether you wouldn't have gone through the union to raise those issues.

Mrs Lehmann: Let me just tell you that there are quite a number of grievances to that effect pending, so I do not—

Mr Gary Wilson: I just wanted to make sure you had access to that, other than the other questions you raised. We've discussed quite extensively issues like the promotion of tourism and market development, for instance, and your assessment of what the commission is doing is quite at variance with most of the things we've been hearing during our deliberation.

There is the issue of the changes that are made in any operation that you'd probably expect, by evaluating to see what kind of reaction there is to the services that are presented. You have a long list here of the elimination of customer service. Could it not have been that the demand just wasn't there, that these things weren't popular enough to be continued? Is that a possibility?

Mrs Lehmann: I personally feel that usually you have to respond to customer service quickly, and I'd just like to mention one maybe minor detail.

A friend of mine is a German tour operator. They were visiting the village this year: Her husband has been visiting the village in 1984, 1985 and 1986, and she was visiting the village this year. She was appalled about the service cuts. What she told me was, "This is not a living village any more." It isn't just the village. Unfortunately, it's the foodservices which are contracted out. She and her friend who is a travel writer—her husband is in the publishing business—went to the village to eat. Mind you, they paid for it; they did not feel they were tourist operators or VIPs. At about 2:15 in the afternoon other visitors were coming and they were told, no, they would not be served any more. They were still eating their lunch and all around them, they were putting up the chairs up on the tables. She was appalled at the service, and I couldn't even mention, "This is contracted out; the St Lawrence Parks Commission has nothing to do with it," because the visitor does not see it that way.

Mr Morin: Mr Runciman a minute ago raised the point to Mr McManus that you should write to the committee, be more elaborate, explain the things you are saying in your presentation. I would highly recommend that you do that.

Mr Cleary: Thank you, and welcome to the committee. We had a presenter here yesterday, Ron Huck, who touched on some of the things you had touched on to attract visitors to our community and to stay longer. A question I asked yesterday is that some tourists say they cannot see Upper Canada Village all in one day, that they would have to go back, they told me, several days, but it was clarified yesterday that if you went back on a rotating basis you would see all the village in two days. Is that correct?

Mrs Lehmann: With all the closures—my friend intended to come back and wanted to see many things. They have all been closed. Right now, it is a fact that probably in a couple of hours you can go through and see everything you're able to see, because services have been eliminated or are not shown that day.

Mr Cleary: But you would have to come back a few days to see the whole village.

Mrs Lehmann: If everything were in operation, yes.

Mr Cleary: As to your last remarks about favouritism, nepotism, harassment and so on, we would like more information on that, because this is a hearing to hear all sides of this issue. How can this committee do its job if we don't hear the particular incidents?

The Chair: Do you wish to make a response to that?

Mrs Lehmann: I would like to make the comment that right now, the way I see it or perceive it, there has been promised to be an investigation into the case because, yes, I have been threatened with my life. I do not wish to make any comments here to that effect because that might jeopardize an investigation.

The Chair: That's right. If you're in the middle of a process, we would advise that you do not. Thank you for your appearance, Ms Lehmann, before the committee this morning.

SHIRLEY PALMER

The Chair: Our next deputation is Mrs Shirley Palmer. There is only one copy of this presentation available, so again you will receive it on our return to Toronto. You have 15 minutes, Mrs Palmer. Please proceed.

Mrs Shirley Palmer: I wish to thank the committee for the opportunity to present my views of the health and safety concerns or the lack of same at the Upper Canada Village. My verbal presentation will attempt to show the disregard for safety of employees and patrons of UCV by management personnel. All information given can be documented by myself or by witnesses.

Number 1: the spraying of buildings inside and out with toxic pesticides, with no warning to employees or tourists. The resulting illness by woollen mill workers and by at least one tourist is documented. These types of toxins and dates of spraying are part of my written brief. Subsequent request for such information and posting of the same was met with the attitude that such information was never given before nor posted before so was unnecessary.

Number 2: There was and still is a major public concern with regard to Willard's Hotel, as the building is a home for numerous bats and mice whose excrement is within five feet of dining/food area. Numerous requests

for actions netted nothing in my year as co-chairperson of health and safety.

Number 3: No employees, workers in the kitchen and servers, have had fire safety training or first aid in this building, and the fire escapes on the second floor of this wooden building are almost useless.

Number 4: There are long periods of time when an interpreter is alone on the floor of various buildings where there is dangerous moving machinery run by water power. In such cases, anyone injured or caught has no access to aid of any kind, let alone to stop these machines, as they are water-power driven. My brief is that this is contrary to the Department of Labour guidelines.

Number 5: Also, use of student labour with little or no training on machines and work safety in high-risk positions constitutes a hazard to themselves and to other employees and tourists. All attempts to make Upper Canada Village a safe and healthy environment for both workers and tourists was met with procrastination and indifference by management unless it was cosmetic. The approach of management appears to be one of confrontation and harassment towards anyone trying to show an interest in an honest enforcement of health and safety rules. Management have now installed a health and safety representative who in all things follows the health and safety concerns, but only management orders.

Thank you for your attention to my concerns.

1140

The Chair: Thank you, Mrs Palmer. Three minutes per caucus, and we're starting with the government members in this rotation.

Mr Waters: You make a number of health and safety accusations, or infractions, at Upper Canada Village. Have you ever had the Ministry of Labour come in?

Mrs Palmer: I have a copy in my brief here of where I wrote a letter to the Minister of the Environment. I first sent it to the department of labour. It was sent to the Minister of the Environment and it was answered to me by J.J. Onderdonk, who was to get back to me—and here's the copy of his letter—and he refused to do so.

Mr Waters: And this was I take it on the pesticide?

Mrs Palmer: Yes, it was.

Mr Waters: Okay. I guess my other question is, you talked about people working in the mills. Is there a way of historically interpreting the mills as they would have run and meeting today's safety standards? As I go through them, and I'm just a member of a committee but I've been through there several times now in the village and I've been through other ones that are interpretative as well, they all seem to run pretty much the same way. How do you bring it up to 1994 safety standards and still have it water-powered and run in the same way that it was 150 or 200 years ago?

Mrs Palmer: Well, that would be a very hard thing to do, but the main point of issue is, do not leave a floor with one person working on it alone when the only way to stop the movement of the machines is to go to the back of the building and turn the gate shut. Therefore, if that person is sitting up at the front end and gets a dress

or a pant caught in the machinery, she's there for ever, until somebody comes in. Tourists don't know how to stop the power. We work alone, and we've asked and asked and asked not to be alone, and our help was robbed from us. I am a woman mill operator, and I was left alone. I was left with two floors of moving machinery—two floors. Of course, I could only be on one floor. The bottom floor was unattended, with children running through, bus tours running through. This is dangerous. Somebody will eventually be killed.

Mr Waters: What do you see as a resolution for this? How do you think it can be resolved?

Mrs Palmer: By keeping personnel, enough personnel, on the floor, two people minimum at all times, so that if there is an accident—keeping the people behind the ropes is great. You need the people there to do it.

Mr Waters: Yes, but I'm not only looking at the mill, I'm looking at indeed the whole of the village. The last three people, yourself included, have made some fairly strong accusations about the day-to-day operation of the village and management, and I'm wondering, what's the answer? Just more people?

Mrs Palmer: The answer in the places where the mills are is to be not left alone. The answer to the other places would be to give the proper training to the students. But students cannot walk into a job and be green in it and learn it in a matter of a week or a day. So they should be accompanied by an interpreter. They shouldn't be alone.

Mr Morin: You have a letter in your hand, and there was a response. What is the date of that letter?

Mrs Palmer: July 17, 1991, when I was the health and safety chairman.

Mr Morin: And that's when you wrote? You had a reply?

Mrs Palmer: That was the year and the month that I wrote to the department of labour and to the Minister of the Environment.

Mr Morin: But you never had a reply since then?

Mrs Palmer: No, never.

Mr Morin: Did you approach your union? Did you tell your union?

Mrs Palmer: Yes.

Mr Morin: Surely they must be extremely concerned with your health. Like anybody else, if it's dangerous to work, I mean, I would be concerned too. But was there anyone from the Ministry of Labour who came and visited the quarters, visited the site, and said, "Look, there should be a gate around this in order to protect the employees"? I can see a lady with a long dress being caught in one of those spinning shafts. I could see that so easily happening. Why isn't there anything—

Mrs Palmer: That's what I want to know. This is why I'm keeping the pressure on. I wrote to the head office of OPSEU. I wrote to every dignitary that I could think of. I had a list of letters, about 10 of them, and sent them out, and nobody would pay attention to me.

Mr Morin: You had no response?

Mrs Palmer: No.

Mr Morin: May I make a suggestion again, because we're limited with time. Why don't you write to the committee, to the clerk? Those letters are treated confidentially. Because you've had a few minutes to express your opinion and to try to tell the grievances that you are facing—

The Chair: Excuse me, Mr Morin. Any letters that come to the committee are not confidential. They are for the public record.

Mr Morin: I apologize. Obviously I made a mistake. But at least it's for the benefit of all the committee members, and none of these committee members, I strongly believe, would be in favour of letting you work in a place where it's dangerous, if this is the case. So please don't hesitate to let us know. That is our job. That is our responsibility, to make sure the employees who work for the government are happy. If they're not happy, how can you promote an industry? How can you make money if you work in an area which to you and others is dangerous and it's not in a setup which is conducive to happiness and to promoting our industry, which is tourism? That's all I have to say.

Mrs Palmer: I pursued every avenue I could think of at that time. I was new on the health and safety. But when there was an overspraying of chemicals in my building, I went to the clinic and had blood tests taken, and they're in my package for you to see. It's documented for you, the information that you need. I didn't know where to turn. So I am taking the advice that I heard today: Press and press and press until somebody pays attention.

Mr Morin: You came to the right place.

Mrs Palmer: Thank you.

The Chair: Mrs Palmer, I would like to advise you that if you are considering submitting your package, anything you submit today to the committee, because these are public hearings, will be on the public record. I think the clerk has been trying to advise the deputations today that if there are grievances in the process, not to jeopardize your grievances by putting something on the public record that might have that result. So I'm simply advising you, with caution.

The last one is Mr Villeneuve.

Mr Villeneuve: Are you still the health and safety person or responsible person in the area that you work?

Mrs Palmer: No. I did not work this year due to ill health. I did not return to my job this year.

Mr Villeneuve: Was ill health—you don't have to answer—in part caused by the fact that you worked under the conditions that you've explained?

Mrs Palmer: I would say yes.

Mr Villeneuve: Have you had a number of workers' compensation claims in the area that is of concern to you?

Mrs Palmer: Yes, I have, and when I left work on August 29, 1993, my employers told me in a letter that I was putting on a work stoppage. I was taken off work by the advice of our known Dr Tombler, who is a specialist in Cornwall and who has sent me to two neurologists. I

have been diagnosed with problems that I can't return to work, and I have received no compensation or anything since August 29 of last year.

Mr Villeneuve: We appreciate the fact that you've come to this committee and put on the public record the concerns that are very real that you have, and hopefully we can address them to some degree to your satisfaction.

Mrs Palmer: Thank you. I just would like to make it a safe place for my fellow workers and the tourists.

The Chair: Thank you, Mrs Palmer, for your appearance before the committee today.

1150

GLEN CUNNINGHAM

The Chair: The next deputation is Mr Glen Cunningham. Welcome to the committee, Mr Cunningham, and you also have 15 minutes.

Mr Glen Cunningham: I would like to thank you for this opportunity to speak. My remarks are to the standing committee on government agencies in respect to the operation of the St Lawrence Parks Commission. I'm Glen Cunningham. I'm a retired employee, 27 years, from 1958 to 1984. I was supervisor responsible for our maintenance and restoration services throughout many years, agriculture and horticulture various years, crafts and trades, cleaning and security.

Upper Canada Village and security and artefacts, the collection: Upper Canada Village is an invaluable, irreplaceable collection. It has been the policy in recent years to move from display buildings into storage much of the original artefacts and furnishings and replace these with reproductions. Currently a significant percentage, perhaps a majority, of the artefacts in this collection are in storage in the Christ Church basement and in the French Robertson basement and attic. Neither area was designed from a security or an environmental standpoint to be a warehouse for such an invaluable collection.

The situation has been made even more grave by the fact that the in-house fire department has been eliminated and the in-house security staff has been contracted out to outside agencies, and, I must add, only one person instead of two. Although electronic surveillance systems have been installed in such areas as the golf clubhouse, revenue office and entrance store, all of which could be replaced if disaster struck, the collection itself remains in peril. It's like the banker putting the loonies in the safe and leaving the main money in the cash register.

Recommendations: The best method to ensure the collection is not lost in its entirety, as would be the case if fire were to strike the current storage locations, is to have artefacts returned to their original buildings, where they are once again enjoyed by the general public.

The second point: Unless and until a proper facility is built and maintained, the collection in storage should be moved where it can be kept safely by another responsible authority, one with curators interested in the safekeeping of the collection. Alternatively, such artefacts could be returned to the original donors.

The adequacy of the existing fire and security measures should be reviewed and, where appropriate, strengthened.

Visitation and popularity of the site: Annual visitation to Upper Canada Village from the late 1970s to the 1980s declined by over 100,000 people, from 350,000 to 250,000. From the mid-1980s to the present it has dropped by another 60,000, to 190,000 in 1994; see table 1. Fort Wellington, the closest park site, on the other hand has experienced stable attendance—see table 2—from the mid-1980s to the present: 46,000 in 1985, 48,000 in 1994. It would be interesting to compare the trends in visitation at Upper Canada Village to that of the National Capital Commission, where tremendous growth has been experienced over this past decade.

Recommendations: Greater effort should be made in keeping Upper Canada Village clean, properly maintained and authentic so as to attract more visitation. I visited it yesterday. The front entrance and administrative booth/toll-house is not in keeping with the 1860 setting, a modern octagon booth that was built up in the open spaces, cement paving. You'd think it was owned by a cement company. The entrance store complex has become too large and filled with modern commercialism, rather than the original setting of a store in a small farming community. Gardens and grounds within the village have lost much of their attractiveness; they are poorly designed and maintained. Modern patios with umbrellas have been allowed to be built within the village, beside Willard's Hotel. The A-frame timber bridge at the entrance to the village and the timber lift bridge over the blockhouse have been replaced and are out of character with the site. The canal gates have been removed and not replaced. The bateau, a major attraction of this village, has had its maintenance neglected to the point where complete replacement is likely necessary.

The quality and type of demonstrations need improvement. The very popular woodworking demonstration should be reinstated: hewing, pump-boring, shingle-making, cooperage, drag saw, pit saw. But it should also be noted that with the current policy of having a village operating in a single period of 1860, many of the interesting demonstrations have been abandoned: broom-making and the above-noted. A large part of the educational values of Upper Canada Village was lost through this change to a one-period time.

This is an old grievance of mine: Bus drivers and tour guides must be treated as VIPs. Establish suitable day accommodation for the bus drivers and tour guides, a facility close to the parking lot complete with newspapers, lounge, coffee and TV. They always complain to me. It was like the worst thing they could be hit with was to be told they were going to Upper Canada Village to lie on the grass for four hours. Provide suitable recognition to tour buses and tour guides who bring a large number of visitors to the village. Give them a discount on the merchandising.

Efforts must be made to improve the morale, the quality and the friendliness of the interpretative staff. I was there yesterday. It's terrible. The extremely poor employee morale within that village staff, which is due to more factors than I can address within this brief presentation, is no doubt influencing negatively on their liaison with the general public.

Plans to make considerable capital investments and expand the village to Ault Island should be held in abeyance until such time as existing buildings can be adequately staffed and reopened, ie, rotating closures of at least two display buildings each day within the village and permanent closure of our main site, the Crysler battle memorial building and Grand Trunk Railway, and trying to give away the train.

The Queen's Gardens: The current gardens are not being adequately maintained due to the budgetary restraints and shortage of staff. There is also an absence of long-term planning for this important garden. Consideration should be given to operating these gardens in cooperation with horticultural programs offered by provincial and federal colleges and universities, eg, Algonquin College, Kemptville, St Lawrence and Agriculture Canada's experimental farm. I believe the highly successful Niagara Parks Commission's approach to such gardens should be studied as a model. We're looking at trying to retrain people. What better area than this?

Campgrounds: The special fee for senior citizens—and I am one—currently a 60% discount, is open to abuse and should be replaced with the travel industry's normally accepted 10% discount only.

Standards of performance should be established for private operators and municipalities—I understand the commission is into this a bit with a couple of groups; it worries me a bit on long-term maintenance—to ensure the campgrounds are maintained properly for a long period of time. A mechanism must exist to ensure the operators are responsible for undertaking regular maintenance, eg, maintenance costs based on a percentage of revenues. Regular inspections should be performed to ensure that these standards are maintained. Operators must obtain approval for installation underground, and I believe that has been going on this summer without anyone knowing.

Crysler marina: The new building is a welcome addition. I am a boater myself. However, it has done little to enhance the marina beyond being a fuel stop between the Thousand Islands and Montreal. The loss of the Upper Canada Playhouse to Morrisburg, which was opposed by the staff at the village, was a great loss and an example of the lost opportunity to make the marina more attractive.

A restaurant-bar with suitable evening entertainment during the peak season is essential to entice boaters to stay in that marina beyond the hour required for fuel. This could be operated in cooperation with the clubhouse. Agreements could be made with various civic organizations for barbecues, cookouts, live plays, campfires and entertainment for children.

The marina needs to be equipped with a proper maintenance and storage facility, boat lifts and repair facilities, and this could be tendered out.

Taxi service to the golf course, Upper Canada Village and Upper Canada Playhouse should be supplied with the purchase of dockage fees.

Consideration should be given to encouraging a concessionaire to operate adjacent to the marina—and I

mean the bay to the east—such attractions as a large water slide and Sea-Doos and windsurfing rentals.

Old Fort Henry: The elimination of the sunset ceremony at the fort is a tremendous loss to tourism in eastern Ontario and should be reinstated.

It is my understanding that many Ontario tourist offices in the northern United States have been closed recently or their operations significantly curtailed. Given the advantage of the \$1.40 dollar, this is no time to quit advertising in our giant across the border, the United States. What is going on?

Administration: Although it has been 10 years since I was a manager in the St Lawrence Parks Commission and therefore it is difficult for me to comment on the current organizational structure, I have often noticed that the number of vehicles parked at the administration building often outnumber the vehicles in the main parking lot.

My recommendation is that a thorough and independent review of the management structure of the St Lawrence Parks Commission should be undertaken in relation to the responsibility and numbers of staff being supervised.

I want to thank you for this opportunity.

The Chair: Thank you. We have a minute per caucus, and it's the Liberal caucus first.

1200

Mr Morin: I just want to thank you, sir, for an excellent presentation, constructive ideas, and that's what it's all about. If everybody participated the same way as you do, I think it would give more of a positive feeling for everything. So congratulations. We don't have enough time. I don't have any questions. I think you are very thorough and I hope that somebody will heed your recommendations.

Mr Villeneuve: Glen, thank you very much for your recommendations. I believe we should build on our strengths. The strength has been the golf course. It has been a moneymaker. We can't overlook that. You've mentioned the golf course and we haven't spoken of the golf course very much. Could you possibly zero in on some of the problem areas within the golf course across number 2.

Mr Cunningham: I just looked at the golf course as the one small division of the St Lawrence parks that's highly successful. With my experience, I leave success alone.

Mr Runciman: What about the geese?

Mr Cunningham: The geese. We have way too many geese in eastern Ontario, but I'm not the one to complain about that. We brought them in here. I think the St Lawrence Parks Commission is the last group to ever complain about it.

Mr Villeneuve: We've heard of nepotism and we've heard of intimidation and what have you. Were you aware of some of that 10 years ago?

Mr Cunningham: Relations with employees have changed an awful lot in the last 10 years. As a supervisor, as a manager in my years at the St Lawrence parks, we always considered we had 48 hours to settle a grievance.

ance and it was a terrible thing if the supervisor couldn't settle it in 48 hours. It was something you didn't have happen. You settled that in some way. You called the guy in the office and you kept him there until you had come to an agreement. You didn't start handing it up the rank. It was looked at as being a downer if a supervisor couldn't handle it and he had to hand it to the next level.

Mr Fletcher: Thank you for your presentation. The last few presentations have all come forward with ideas about how to get Upper Canada Village moving, how to improve upon the situation. Far from what I've been hearing from the privatization people of everything else, this I find to be more constructive, your discussions and the discussions of the previous people on how to improve on the situation that really has been deteriorating over the last I guess 10, 15 years. It fluctuates with the economy also. I can understand that.

One of the things that interested me was when you talked about they should look at what Niagara Falls has done as far as their gardens are concerned. Remember the climate too. They're in the banana belt down in Niagara Falls.

Mr Cunningham: Oh, yes. I'm not saying we've got to garden like Niagara Falls. It took 150 years to do that. What I'm saying is that government's main push today is to retraining people. What better diversion is there than horticulture? Our society is getting older. There are more and more people needing yard work. They want people to come into their yards and do it and we need more and more people with expertise in horticulture. Bring these students in and give them some credits towards their education. Make it a training process, not a weed-pulling deal.

The Chair: We thank you, Mr Cunningham, for coming before the committee this morning.

DYANNE BEAUVALET

The Chair: Our next presentation is Mrs Dyanne Beauvalet. If I'm not pronouncing your name correctly, please tell us how you pronounce it.

Mrs Dyanne Beauvalet: Don't worry about that. It is not what's important at this stage. My name is Dyanne Beauvalet. I have been a worker at Upper Canada Village for 10 years and have been part of the non-recall staff for the last two years.

I want first of all to thank you, members of this committee, for giving us the time and opportunity to voice our concerns that have been going on for some years.

I would like to add to what I've written down that some of the employees of Upper Canada Village who have spoken in front of you today are people who are putting themselves on the line. Some of those people have been warned to not say anything before it was passed by their supervisors, and so on and so forth. So some people here could find retaliation just because they have been brought here, which is very sad. But I think on the other hand it shows this committee that employees at Upper Canada Village do care deeply about the village and about what you are trying to set here. I will go back to my notes now.

I have been an historical interpreter for over 15 years as part of three major organizations: namely, the National Capital Commission, the St Lawrence Parks Commission and Parks Canada. I have worked in the position of interpretative program manager, interpretation officer, historical weaver at the village and historical interpreter.

The reason for my presentation is my very, very strong belief in the importance and significance of history and heritage, both cultural and natural. Someone has written many moons ago, and I think we should never forget that, "What is a tree without roots?" The tree is all citizens of Ontario. We need to know our roots. Upper Canada Village is part of the roots of this area and we should protect those roots so that people can feel proud of who they are.

As per a document that was given to us, the employees, which was called Employee Orientation Manual, 1988, written by the St Lawrence Parks Commission, I will quote from page 2, "Goals and Objectives":

"To acquire, preserve, develop, maintain the historic and recreational resources within the area of the commission's jurisdiction for the benefit of the people of Ontario and their guests;

"To operate at a high standard of excellence the commission's resources and facilities for the educational and recreational enjoyment of its visitors;

"To encourage and promote year-round the tourist industry in eastern Ontario for the economic benefit of the province;

"To be as self-sustainable as possible."

I would like to take these goals and objectives and compare them to what I perceive as being the reality.

Acquire: To our knowledge, very little has been acquired lately but a lot has been contracted out, leased, or the St Lawrence Parks Commission has severed any or all ties to what it owned, for example: Fairfield House, Farran Park, Crysler Park, maple sugar bush, to name a few.

Preserve: Is our natural and cultural heritage still preserved by the St Lawrence Parks Commission; ie, how many artefacts have disappeared as sites have been leased? As sites are being leased, do they have mandates to preserve, to protect, to present?

Develop and maintain: The development that we have heard about recently is the waterfront development. It is not in keeping with the goals and objectives, as I see them here, but is an entertainment and amusement park in the image of Disneyland. How are our roots going to be looked after?

How can we talk about maintaining, in view of the closures, cutbacks and the elimination of services?

Benefits: How can the people of Ontario and their guests benefit from increased prices, fewer learning opportunities, ie, education programs? As well, professional historical interpreters providing a broader history of Ontario are disappearing at a frightening rate.

To operate to a high standard of excellence: At UCV this past summer, at least in the interpretation staff,

almost half, if not more, were unskilled students who couldn't deliver that standard of excellence because you just don't pick up a job like that. How can they provide customers service with a high standard of excellence?

To encourage and promote year-round the tourism industry: All programs have been cancelled for the winter. Marketing tools are not reflecting these decisions, which results in deception for the tourist. It gives a poor image of Ontario to the visitors.

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To be as self-sustaining as possible: Working in three major organizations over the last 15 years, I realize that is very difficult, particularly when you're talking about cultural implications. It requires, to my thinking, that management of this SLPC believes strongly in the preservation of culture, heritage—natural or historical—and being able to defend those goals and objectives that have been set forth many years ago.

In conclusion, I have always felt that the SLPC has a major role to play in the safe keeping of Ontario's natural and cultural heritage. With the will and prompt and direct action from the Ontario government—example: making management of all departments of SLPC really accountable to the Ontario government and to the general public—we will be able to enjoy our work, free of harassment, discrimination, nepotism and favouritism. This will enable the tourist professionals, which we are, to share with enthusiasm and pride our knowledge, skills and our love of eastern Ontario's natural and cultural heritage.

Thank you very much.

Mr Villeneuve: Thank you, Mademoiselle Beauvalet, for your presentation. You speak of reprisals and intimidation. I've heard that on a number of occasions, not only today. This continues—

Mrs Beauvalet: Yes, it does.

Mr Villeneuve: —actively continues?

Mrs Beauvalet: Yes, it does. From my knowledge, even though it's second hearing now, because I haven't been there for the last two years, but I'm very much concerned about the village. That's why I'm here today. And yes, it has happened in the past and it's still happening.

Mr Villeneuve: You work for Parks Canada.

Mrs Beauvalet: On a term basis. I don't have a full-time job.

Mr Villeneuve: On a term basis. Do you see the same situation occurring at the federal level as you see at the agency of the St Lawrence parks?

Mrs Beauvalet: No, I'm sorry. There are problems everywhere. I mean, I'm not going to say that Parks Canada is an angel, nor is NCC, but I don't see as much harassment. I don't see the lack of respect for the employees I've seen and lived and still am living through all the grievances I have against the village at this point. I don't see that. I don't feel threatened when I'm working and I don't feel that I'm a second-class citizen. I'm just a normal being trying to do a job.

Mr Villeneuve: The cost to the tourist to visit Upper

Canada Village has gone up quite dramatically over the past number of years. Have you, as an interpreter and as a person who was there, discussed with people on a casual basis or on a more official basis that they are unhappy with the value for money?

Mrs Beauvalet: I have heard it many times. I'm a skilled weaver talking about flax which, by the way, doesn't exist any more in the village. I'm gone, so they're not talking of a part of our heritage that is very important, which is the growing of flax into linen. I must say that because I was in a very special field, I have been stopped on the streets in Ottawa by former patrons of Upper Canada Village at least four times, which is a lot when you consider that it's a public attraction. People came to me and said, "Why aren't you there any more?" I said: "Well, I can't comment at this point. This is the way it is." "Well, we have been there and we're not going to go back again." I said: "Well, that's not giving us anything. Write to your Legislature to do something about it." There's a feeling that they're not getting the value for their money.

Mr Gary Wilson: Thank you for your presentation, Ms Beauvalet. Of course we're disturbed, I think, by the tenor of the last several presentations. I just want to see what you, looking at the evaluation that has to go on over the programs that are being presented—for instance, you just mentioned the flax. The weaving program that you were involved in I guess was stopped, was it? Is that what you just said?

Mrs Beauvalet: When I was non-recall, I didn't leave on my own will. I left after three years of being harassed in some form.

Mr Gary Wilson: It has nothing to do with the program, in your view, that it wasn't popular any longer?

Mrs Beauvalet: I don't know and I can't comment on that because I have grievances against the village and I would be in jeopardy at this point, so I have to be very careful. I only wish I could comment. I feel gagged at this point and I think this gag that's put on us because of our trying to better this village over the last five years at least is one of the reasons why we're here at this point. You're one of our last resources to open up the can of worms that's in there, I'm sorry to say, to let us speak freely somewhere so that you finally find out the truth of how caring people, people who believe in history, people who believe in this village, people who believe in tourism and people working in harmony, haven't been allowed to do their jobs and instead have been sort of pushed aside.

Mr Gary Wilson: I think again, when you look at the range of submissions we've heard, everyone shares those goals. But I think it's fair to say that there can be a disagreement or problems arising out of how you get or reach those goals and that is certainly one of our responsibilities, I guess, to make sure that we do have an airing of the disagreements, as much as we can, to try to make the attainment of the goals possible. But I do want to—

The Chair: Thank you, Mr Wilson. I'm sorry. It's two minutes and they're used.

Mrs Beauvalet: May I comment just a second on that? I don't know all the government's gears, wheels—

I'm trying to find the English words to say what I have to say—but I would appreciate and I would ask this committee to find a way, if there is any political way, that we can be heard, what we really have to say and not have to sort of zigzag through because we are under pressure of not able to do so because of our deep involvement with grievances at this point.

Mr Morin: Thank you for being here, Mademoiselle Beauvalet. I just want to assure you, and I know I can talk on behalf of my colleagues, that you have sympathetic ears here, and if you cannot express yourself clearly and without fear, there's something wrong.

Mr Cleary: Thank you and welcome to the committee. As my colleague said, that's what this committee is all about. We're the ones who should know what's going on. I've heard about the issues for several years in my office and on the street. The only thing is, I'm a little bit disappointed. I've been told names of people responsible. I didn't hear that today. I can assure you, for one thing, that our goal is to clean up the problem, because no one can work like that. We've heard it too many times. We know there's a problem and that's why I might have gotten criticized a bit.

It was us, the Liberal Party, who picked this as our choice, to look into the operations of the St Lawrence Parks Commission, because we all have one goal in mind: to make it a better place and to attract more tourists and to get people to come back year after year and create employment. That's the only way we can operate now.

Mrs Beauvalet: Thank you very much. I would like to address the names issue that you bring forth right now. We have all discussed among ourselves whether we were going to do it. I mean, the names are there; we all have them. But again fear is behind us not naming anything, and we didn't want our presentations to be personal accusations because we didn't feel it was the right place.

Mr Cleary: Anyway—

The Chair: No, you've finished your two minutes.
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Mrs Beauvalet: I thank you very much.

The Chair: We appreciate your coming before the committee today, Mrs Beauvalet.

Mrs Beauvalet: We hope that we can hear from you after, and if we can help you in any way, don't hesitate. I can be reached by phone or any which way, to keep on talking. I do believe in the village; I still do after being away from it for two years, and I care.

The Chair: I think you understand that the committee is not restricting itself, it's the grievance procedure that restricts what can take place here in terms of your participation with the committee.

Mrs Beauvalet: I realize that, but at the same time, time is getting very short for us to be able to put that together. The grievance process is very, very slow. It's dragged on now for a year and a half. We're always under that, but we have to defend ourselves at the same time, so that's why we're here.

The Chair: Thank you. We understand.

Mrs Beauvalet: Thank you very much, everybody. We appreciate your ears.

GARY GALE

The Chair: Our final deputation for this morning is Mr Gary Gale. Mr Gale is going to speak without his presentation in writing for the committee. Mr Gale, you have 15 minutes.

Mr Gary Gale: Good morning, ladies and gentlemen. Thank you for giving me the opportunity to speak to you this morning. I must identify that I am currently in the process of seeking justice for what I believe is a wrongful dismissal and subsequently a tainted arbitration decision. I was hoping to identify the details of my case this morning, what had happened to me and to what extent the management of the St Lawrence Parks Commission go to get what they want.

My lawyer has advised me not to go into specific details of my case since it might jeopardize my future potential hearings, but I will identify that I was an employee of the St Lawrence Parks Commission from 1971 to 1990. I was president of OPSEU Local 404 from 1980 to 1988. My position was excluded; it was deemed to be abolished in 1990. I went through three years of arbitration hearings. A few months after the decision was handed down, I was made aware that one of the arbitrators was aware of information that was relevant to my ultimate dismissal.

I apologize that I cannot go into any more details, but I will say I fully agree with Dyanne before me. I think the committee has a moral obligation to look into what has happened down here with management. At some time everybody must be given an open forum without fear of repercussions to explain what has happened to each one of them. Again, I thank you for listening to me.

The Chair: There are four minutes per caucus. The government members, Mr Waters.

Mr Waters: Seeing as how we can't talk about your case, I guess I'd like to talk about the future of Upper Canada Village, because this seems to be what we're talking about at the moment. The waterfront development, somebody referred to it as a Disney World type waterfront development. The plans that I've seen aren't that way at all. If it was a historic village that had been created in the 1800s or before that, indeed the waterfront would have been the most developed area within the village, and that is lacking, is it not?

Mr Gale: I left the village in 1990. I was the budget officer. They were given funds to develop the waterfront at that time, but I don't think they really had a clear idea of what they wanted to do with it. Since 1990, I can't comment much on what's gone on.

Mr Waters: Historically, then, for those of us who don't come from eastern Ontario, has there been much change at the village, shall we say, expanding it and keeping it fresh and new in programming and that since its inception back in the early 1960s?

Mr Gale: With the change in management I don't think they really clearly understood what the village was or how much the St Lawrence Parks Commission meant to eastern Ontario per se. Most of the management are

from outside eastern Ontario. They were brought in not fully comprehending the situation. I don't really think they have a commitment.

Mr Waters: I guess the other question that has been discussed here a lot, except for the last few presentations—and you are either employees or former employees or in some sense related to the village over a long period of time, the number of you—I'd like your feelings about, in particular, the Charlottenburgh and the Raisin River parks. They are closed. It was a decision that came out of some recommendations by someone from the outside who came in and looked at it and said, "These things should be closed." This was back in 1989. Should they now be turned over to the private sector?

Mr Gale: As an ex-OPSEU activist, it should be looked at, but with some restrictions on hiring employees who were displaced or lost their jobs there. You guys have to look at the hardships that these displaced employees went through at the time when they lost their jobs, and that should be looked at before. There should be a compromise, I agree.

Mr Waters: So you're saying that successor rights—

Mr Gale: If you want to call them that, yes.

Mr Waters: Okay. How much more time?

The Chair: You have 30 seconds.

Mr Waters: I guess at this point I'd just like to thank you once again for coming out this morning, because we don't have much time left. It's nice to hear all sides of everything.

Mr Gale: Good. Thank you very much.

Mr Cleary: Welcome to the committee. Just for the record, it was said that the parks were closed in 1989. One of them was closed in 1989; the other one that you mentioned was closed later.

Anyway, we've heard many times about the favouritism, nepotism, harassment and intimidation at the St Lawrence Parks Commission, and that's what this committee is all about. That has got to come to a head, and people like yourself are the only ones who can help bring it to a head. We've heard that many times today; I've heard it many times in my office; I hear it from the employees. Do you agree that is taking place at the St Lawrence Parks Commission?

Mr Gale: I agree 125%.

Mr Cleary: You agree 125%.

Mr Gale: It was definitely going on, a lot of favouritism, a lot of—

Mr Cleary: Nepotism?

Mr Gale: Empire building.

Mr Cleary: Okay.

Mr Gale: A lot of egotistic management.

Mr Morin: I guess that your presence here, Mr Gale, is—you're doing it in a very subtle way. I know you cannot discuss your case. I understand that.

Mr Gale: Yes.

Mr Morin: At the same time, I think the message you want to convey to this committee is: "Please investigate. Please take a look inside."

Mr Gale: I think you owe it to the employees, such as myself, who were there for 20 years. As the next OPSEU president, I'd know a lot of stories about what happened. Also, I have never known an employee who did retire happily, on a happy footing; every one was either forced out or was glad to leave the commission due to pressure tactics.

The Chair: Mr Cleary, are you finished?

Mr Cleary: Yes. You've been out since 1991, you say?

Mr Gale: Since 1990.

Mr Cleary: Since 1990. Well, I really appreciate your taking the time to come here today. I think, as I said earlier, it's very important to the committee in making its decisions and recommendations.

Mr Gale: Thank you very much.

Mr Cleary: Do you—

The Chair: No, just a second. The Progressive Conservatives would like to ask a question.

Mr Villeneuve: Everybody gets to ask here. Thank you, Mr Gale, for being with us. I hope this doesn't jeopardize your case. You worked under a former manager, Mr Cunningham. Several minutes ago he sat in the same chair that you're in and told us that he would basically, as a supervisor, solve the problems within 48 hours. Back in those days, did you see some of those problems occur and then be resolved?

Mr Gale: At one time, yes, you'd be able to sit down with management and settle things, basically as said, right in their office, without going to the grievance route. Nowadays, it looks like management wants the employees to file grievances. It seems absurd, but they almost want to drag it on, hoping the employees will forget about it and drop it.

Mr Villeneuve: So the process you've gone through, you started in 1990 on what you feel was a wrongful dismissal. We're now at the end of 1994. There has been no settlement of your case?

Mr Gale: No. I was made aware of facts after my arbitration decision was handed down.

Mr Villeneuve: Facts that you had not been privy to prior?

Mr Gale: Yes, I was; myself or my lawyer was privy to.

Mr Villeneuve: So this has caused an undue delay, then?

Mr Gale: Definitely.

Mr Villeneuve: So some personal information was withheld?

Mr Gale: Yes, it was.

Mr Villeneuve: My colleague from Brockville.

Mr Runciman: I was just curious if you were a past president of the OPSEU local.

Mr Gale: Yes, I was, for eight years.

Mr Runciman: You have filed a wrongful dismissal suit. Did you go through the grievance process or were you in management at the time of the dismissal?

Mr Gale: My position was excluded.

Mr Runciman: Excluded from the bargaining unit?

Mr Gale: Yes.

Mr Runciman: But you had to agree to that, I assume. Did you have an option to go back into the bargaining unit or to remain in the bargaining unit?

Mr Gale: I do not want to get into much detail without endangering or committing or saying something, but the idea was that my position was excluded; I was without the protection of the union. Two years later I was out the door, fighting on my own, basically.

Mr Runciman: I guess we have to take this with a grain of salt in the sense that you have an argument with the commission. There's a perceived bias there, whether there is one or not.

Mr Gale: Definitely, yes.

Mr Runciman: You mentioned general managers not coming from eastern Ontario. I think that's probably pretty accurate. I just wondered what your observations were in 19 years about managers. I know we've had quite a number of changes in terms of general managers, and I guess the buck has to stop somewhere in respect to what's occurred over the past 10 years. Have you got any observations to make with respect to the number of general managers, the quality and their approach to the operations?

Mr Gale: My belief is that there's a lack of accountability between the commission and some government per se. I think managers are left on their own too much to decide things that have an impact on the whole commission.

Mr Runciman: Did the commission members ever in the past give the employees an opportunity to have input? Is there ever an opportunity to have a bearpit session with the members of the commission so that they know they're not just getting information from the management side of the fence, they're also hearing it from the employees?

Mr Gale: You're talking about the commission speaking directly with the employees?

Mr Runciman: Yes.

Mr Gale: No, very few; never.

Mr Runciman: So there's never this opportunity, perhaps once a year or twice a year, for the staff to sit down with the commission?

Mr Gale: Well, management did ask employees what they thought in certain situations, but their input was never acted on too much, to my knowledge.

Mr Runciman: That was with management or the board members?

Mr Gale: Management and employees; the commission itself never met directly with the employees. I know of various instances when employees approached individual members of the commission. Nothing was ever done.

The Chair: Thank you, Mr Gale, for your appearance and taking the time to be before the committee today.

Committee members, before we recess for lunch, I've been asked to give you a couple of messages; one is that if you have transported yourself down here by Via Rail,

hang on to the ticket stubs, because the clerk will need those after you have returned to Toronto. Also, would you check out of your rooms over the lunch-hour and bring your luggage in here for the afternoon. Also, would you please pay your incidentals on your bills. I think that's a very good way to refer to those expenses if you happened to have incurred them. We'll start again at 2 o'clock.

The committee recessed from 1235 to 1404.

VILLAGE OF BATH

The Chair: We will call this afternoon's session to order. We welcome as our first deputation this afternoon Reeve Bruce Talbot from the village of Bath. Please have a seat and make yourself comfortable. The clerk will distribute those for you, if you would like to have a seat; she'll come round and get them. Reeve Talbot has very graciously agreed to allow Mr Douglas Crawford to have the last five minutes of his deputation time. I'll try to look after that as far as the clock is concerned. Because of those members who have to catch the train this afternoon, we do have to keep on time, so Reeve Talbot, please go ahead.

Mr Bruce Talbot: Thank you very much, Madam Chairman. I thank you and the rest of the honourable members for the opportunity to give this presentation. I've circulated some copies of the presentation to you people, so I'll follow through on that.

Basically, I wanted to say that tourism has the potential of becoming a major component of economic development of the southern portion of the county of Lennox and Addington, which is served by the Loyalist Parkway. The Loyalist Parkway Group of Advisers, LPGA, was created in 1989 by order in council and is actively engaged in promoting the tourist industry in this region. Two of this region's major tourist attractions, the Gutzeit-Fairfield House in Bath, built in 1796, and the Fairfield House in Amherstview, built in 1793, are neglected. They are the property of the Ontario St Lawrence Parks Commission.

The Loyalist Parkway runs along the lakeshore on its way from Kingston to the ferry at Adolphustown. It is acclaimed as one of the most scenic drives in the province, according to a survey in 1993 of those taking the ferry. In fact, it's been held that it's one of the best-kept secrets in the province. Historically, this region is the birthplace of English-speaking Ontario, and the parkway represents perhaps the greatest acknowledgement in Canada of the United Empire Loyalists.

Ontario's first steamship was launched in Bath, Ontario's first brewery was in Bath, its first criminal court was held in Bath, and among other important initiatives was the engineering of Ontario's first highway, designed by Asa Danforth in Finkles Tavern of Bath. The region also provided the leaders of the province's first democratic assemblies.

The survey already mentioned underscored the importance of tourism to the area. The development of these two neglected properties would provide vital attractions for tourists and focal points for the whole region. Commercial enterprises would inevitably be required to service this growing tourist industry.

There are less than 20 18th-century frame buildings of this nature left in the province of Ontario, and failure to provide the proper attention to two of these fine examples is irresponsible.

Seventy per cent of the population growth in the greater Kingston area is attributable to migration, not to normal growth in families, and a major factor attracting people to this area is the quality of life we possess. It's also known that there is a strong correlation between quality of life and the protection and preservation of our historical background and buildings. Again I might suggest that disregard to these buildings in any form has a negative impact on the quality of life.

The impact of the operation of the St Lawrence Parks Commission on the Gutzeit-Fairfield House in Bath and the Fairfield House in Amherstview over the past 37 years has been acutely disappointing. As for policy implementation effects on the county of Lennox and Addington, no stated policy has been perceived by the county.

I'd like to add that in the initial invitation there was no request for solutions or other proposals, but I could offer some suggestions if you so desire. Thank you.

The Chair: Thank you. It's three minutes per member in order to allow Mr Crawford five at the end. It's the Liberals first this afternoon.

Mr Morin: One question I asked yesterday to a representative from Kingston, from the Kingston Area Economic Development Commission—perhaps you're very much aware that we're having financial difficulties within the commission. Some of the parks have been closed. Others have been opened with the cooperation of private enterprise; it seems to be working very well. There are all kinds of good recommendations that have been made by the parks commission which have to be assessed and evaluated.

1410

The question I asked a representative from Kingston was, would you be willing to participate financially in restoring these houses, and if you were to do so, do you think your constituents would be agreeable to it?

Mr Talbot: I can't speak at this time because this would be a decision of the future council coming up in the November elections. I think the next council would definitely consider some of the proposals. I could suggest that if adequate capital funding were provided to make the properties usable—I'm talking in terms of plumbing and heating. There are also approximately \$2.5 million worth of paintings in storage, an estimated base value, that we cannot keep in the building because of the environmental conditions. These would serve as an attraction, and I believe the village would consider a proposal, with adequate capital funding, of managing the property, or even if the ownership were ceded back to the municipality, that it could take over the operation.

Another possible idea is that if the Loyalist Parkway Group of Advisers was set up as a commission, rather than a group of advisers, and with an adequate budget it could possibly, I think gladly, assume management of these properties.

Mr Cleary: Welcome to the committee, Mr Talbot. You said to my colleague that you'd commit a future council. Do you not intend to be part of that?

Mr Talbot: I'm retiring this year.

Mr Cleary: But you can say anything you want in here, you know.

Mr Talbot: It's said that most of the government is run by retired people.

Mr Cleary: As to some of these properties that have been closed down due to financial restraints by the government, do you feel some kind of a partnership should be worked out with private enterprise so they could be reopened? Are you in agreement with that?

Mr Talbot: Personally, I would agree with it, yes.

Mr Cleary: You talked about your properties. I'm going to ask you about the parks that have been closed. Do you feel they should go out to private enterprise with a partnership, a percentage of the revenue going back to the province of Ontario?

Mr Talbot: In some instances a private-municipal agreement does work very well and there are firms out there that are willing to take on projects of this type. In fact, I think our future council will be considering such an agreement done privately. They certainly can offer a lot of benefits in that they have all the expertise in engineering and architecturally and construction; it's all in one package, so they can definitely offer a better price. I think most private municipal agreements are based on a time span whereby the private enterprise would put so much funding into a reserve account plus maintain the property, and then after a term—whether it's 25 years or something—cede the property over to the municipality. I think that's a good way to do it.

Mr Cleary: Do you think—

The Chair: I'm sorry. That's the time, Mr Cleary.

Mr Cleary: That was short.

The Chair: I know. The clock does that.

Mr Villeneuve: Reeve Talbot, thank you very much for being here. You talk of neglect at the Gutzeit-Fairfield House and the Fairfield House itself. What type of neglect are you speaking of? Are you speaking of a leaking roof that may deteriorate the property, or a lack of paint? What's the magnitude here?

Mr Talbot: The building is not usable at the present time. We don't have plumbing facilities, we don't have heating facilities; I'm under the impression that the roof requires major repairs. It's at the point of being a liability. As I mentioned previously, there are a number of oil paintings in storage that are certainly valuable and a major attraction that would require attention.

Mr Villeneuve: Are both or either of these houses being operated presently by the historical society or open on a part-time basis?

Mr Talbot: They are open on a part-time basis by volunteers, and maintenance of the grounds is done by volunteers as well. We do have some assistance from the local penitentiary for grasscutting and this sort of thing.

Mr Villeneuve: Do you feel this is an important attraction to the town of Bath and to the general area?

Mr Talbot: Yes, I do. The town of Bath, if I might elaborate, is in the throes of major growth. I'm speaking about approximately 2,000 homes coming on stream, which would quadruple the population. Bath is, I feel, destined to be the only town between Kingston and Picton along the parkway, and increasingly a burgeoning tourist trade is developing.

Mr Villeneuve: Would you feel comfortable, if indeed you were to continue as the reeve, with operating a tourist attraction—in your case it's a historic home. But if this were a campsite, where there might be a perception of competing with a taxpayer who may have a campsite down the road, would you feel comfortable as one who would be, as the reeve and council, operating this type of facility?

Mr Talbot: I don't think it would compete. It would probably be a benefit as a focal point and a tourist attraction in that the commercial establishments would further develop and benefit from the trade. It's a waterfront property. There are virtually thousands of boats going up and down that lake each year, as well as the traffic on the parkway. I don't think there would be any competition.

Mr Villeneuve: We had a representative of the camping fraternity this morning who was quite nervous about having even the St Lawrence Parks Commission in its present structure. They are an asset to him in the immediate area of Upper Canada Village, but he was very nervous about the competitive aspect, the fact that you as a municipality or the parks commission as a body were laying down rules that had to be followed, as opposed to competition as it evolves between one competitor against another. He felt that was to some degree unfair.

Mr Talbot: These two properties I speak of do not have any space to accommodate camping.

Mr Villeneuve: I was throwing a theoretical question at you and you answered in a very political way, sir. Thank you.

Mr Gary Wilson: Welcome to the hearings, Mr Talbot, and thanks very much for your presentation. Probably alone of the group here I have seen Fairfield House, at least the one in Amherstview, through the efforts of Barbara Snyder, I think one of the leading volunteers, and Stewart Renfrew, who grew up near the house. Both have an interest in it and its future, and after seeing it I can see why. It is in a marvellous location and certainly highlights several features of early Ontario life that I think are unique and should be looked after and indeed promoted. It's not only for that location but its point along the Loyalist Parkway that I think adds to it immeasurably and would certainly be a strong feature of the area.

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I want to say too, in mentioning the Loyalist Parkway and the group of advisers you referred to, Paul Johnson has made us all aware of the need or at least the benefit of having that as a commission and has certainly worked very hard in promoting it and indeed the whole area, the Loyalist Parkway, as one of the strongest tourist features in eastern Ontario.

You mentioned, just as you were closing your remarks, that you had some proposals that you thought might be worth thinking about. Have you gone through those in answering the questions from the other two parties, or is there something else you'd like to mention here as far as what might be done?

Mr Talbot: I don't have anything at the present time other than what I've already offered as suggestions, plus the introduction by Mr Villeneuve suggesting a private municipal arrangement. I personally feel that's a possibility as well.

Mr Gary Wilson: What about support from the rest of the greater Kingston area? Do you find that enough people there are aware of what these two properties represent, the potential they have, and that you might be looking for support from, say, the Kingston Area Economic Development Commission?

Mr Talbot: No, there's very little support. Our municipality is completely surrounded by the greater Kingston area, yet we're not a participant. The answer is no, not too much support. The only support we do get is from the Ministry of Transport, as you know, for the parkway group of advisers and the signage.

Mr Gary Wilson: Do you see any forms of cooperation there in the future with the greater Kingston area? Briefly, what's the history of that? Why is Bath not part of that?

Mr Talbot: I don't know. Maybe because we're small potatoes to begin with, but I think that scenario is rapidly changing. I could foresee in the future possibly some sort of liaison with the Kingston Area Economic Development Commission. Three years ago, our population was about 1,000; today it's 1,550 and we're looking in the future at between 6,000 and 7,000 population, so that probably would be of some significance in the greater Kingston area.

Mr Gary Wilson: Have you any idea of what the cost would be of the way you'd like to see the houses developed? Has anyone ever done an analysis of the cost of opening the houses, bringing them up to standard?

Mr Talbot: I don't have an estimate on that. I believe the committee overseeing the property had someone come in and look at the structure, but I would think, and I'm only guessing, in the neighbourhood of \$125,000 to repair the roof. I gather that the beams underneath—and this is hearsay at this time—are deteriorating quite badly. As to the restoration of paintings, I have no idea; they've been out of sight for a number of years, in storage.

Mr Gary Wilson: Of course I have to use the Loyalist Parkway to get out to Amherst Island, so I am familiar with a good part of it, anyway, and it strikes me as being attractive, especially from the point of view of its nearness to Lake Ontario. There's virtually nothing between it and the shoreline, which is quite unusual for most roadways.

The Chair: That's it for questioning.

Mr Gary Wilson: I just want to ask about bicycling. Is there much bicycling along the road?

The Chair: To be fair, Gary—I'm sorry. I'll only get in trouble with everybody else.

Mr Gary Wilson: Yes or no?

Mr Talbot: Yes.

Mr Gary Wilson: That was a fast one.

The Chair: I know. That's why I use the stopwatch. Reeve Talbot, thank you very much for allowing Mr Crawford the balance of your time this afternoon.

Mr Talbot: Certainly.

UNITED EMPIRE LOYALISTS' ASSOCIATION
OF CANADA, BAY OF QUINTE BRANCH

The Chair: Mr Douglas Crawford is the president of the Bay of Quinte branch of the United Empire Loyalists' Association of Canada. Welcome, Mr Crawford, to the committee. You have five minutes.

Mr Douglas Crawford: Thank you, Madam Chairman, and members of the committee. Lawson Staples, who is reeve of Adolphustown, has asked that I speak to you this afternoon. We have had quite a long relationship with the St Lawrence Parks Commission. We opened a museum in Allison House at Adolphustown in 1958, so it's been 36 years that we've had a good working arrangement with this committee; we've operated the museum for that number of years.

During the past year, due to the park being at the very eastern end of the St Lawrence Parkway, they suggested it was going to be closed. They have made arrangements, first through the township of Adolphustown and then through the UEL branch, to manage the park. This is our first year at it.

We're really not interested in making money. Any money made will be split 50-50 with the St Lawrence Parks Commission, and our 50% will go back into the park. But we have had some very good arrangements with the St Lawrence Parks Commission. Problems that have arisen have been resolved. I just wanted to make you aware of the situation. Thank you very much, Madam Chairman.

The Chair: There is a minute per caucus, if you have any questions of Mr Crawford, starting with Mr Villeneuve.

Mr Villeneuve: Thank you, Mr Crawford. Do you have any facilities within your municipality operated by the St Lawrence Parks Commission?

Mr Crawford: This is in Lennox and Addington, in the Adolphustown Park, which has been owned and operated for many years by the St Lawrence Parks Commission. The house that's sitting in the property is known as Allison House, and that's been used as a UEL museum for the last 36 years.

Mr Villeneuve: Do you have a formal arrangement with the commission?

Mr Crawford: We have a lease arrangement with them, yes.

Mr Villeneuve: And it has been working well?

Mr Crawford: Yes.

Mr Villeneuve: And you operate on a volunteer basis?

Mr Crawford: We do hire some people through seed grants and so on, but most of it is all volunteer.

Mr Villeneuve: Do you take in any money from the public?

Mr Crawford: Admission to the house, yes.

Mr Villeneuve: There is admission, and the arrangement is a percentage of that admission?

Mr Crawford: Not the house. We get \$2 admission to go through the museum, and we have a tearoom where it's \$2 for a cup of tea and a biscuit. The parks admission is separate.

Mr Gary Wilson: Mr Crawford, I must say I missed the exact location of the house you're describing.

Mr Crawford: It's in Adolphustown. You go down into the park, and it's Allison House. It's owned by the Seaway commission and it's where the museum has been located. There's also a UEL cemetery there.

Mr Gary Wilson: I see. What's the number of people who go through there?

Mr Crawford: I think they served 1,000 teas, and another 600 or 800 would have gone through the museum itself, and it's open in the off-season to school tours and so on.

Mr Gary Wilson: I see. There's quite a bit of activity in that area, the number of school tours?

Mr Crawford: Yes, there is. Our directors on the board of education, at least on the township board, have made it available.

Mr Gary Wilson: Just to continue with this bicycling theme, what about in your area? Do you find there are a lot of cyclists along that area of the parkway?

Mr Crawford: I'm up in the Hillier and the Prince Edward county area. There are bicycle paths on the side of the road there, and I see quite a few, but I don't know about on the Adolphustown side.

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Mr Cleary: Welcome to the committee. I took from your presentation that you had signed an agreement with the St Lawrence Parks Commission and that you return 50% of your revenue or your profit to the parks commission?

Mr Crawford: We are operating under a verbal agreement at this moment because it's something new. They've only recently decided that other groups could run a park. It's our profit; if we make a profit, half of it will go to the St Lawrence Parks Commission. I understand that last year Adolphustown township ran the park and made \$4,000 or \$5,000, I'm not quite sure, and half of that went to the St Lawrence Parks Commission.

Mr Cleary: So this is your first year?

Mr Crawford: This is our first year.

Mr Cleary: Do you hire students?

Mr Crawford: There are three people who are a management team, and they're the ones who ran it last year for the Adolphustown council, and they will hire students.

Mr Cleary: That's great. Maybe we could get some more of these verbal agreements going on some of these that are closed.

The Chair: Thank you very much. Again, Reeve

Talbot, thank you for sharing your time with Mr Crawford. The committee appreciates both of you coming before us today.

UNITED COUNTIES OF STORMONT,
DUNDAS AND GLENGARRY

The Chair: The next deputation is Mr Neil Williamson, the economic development director for the counties of Stormont, Dundas and Glengarry, certainly a familiar name in our caucus. Welcome to the committee. You have half an hour, and the committee members like to have time within that time frame to ask you questions.

Mr Neil Williamson: I apologize. The warden is on his way; he is tied up in a meeting with a seniors' facility. He knows the time to be here, so he will be arriving and joining me soon. The warden did ask me to present this document today, so I'll start to take you through it. I'm going to read this as if the warden were delivering it. I'm never comfortable doing that, because I'm not the warden.

As warden of Stormont, Dundas and Glengarry and on behalf of the members of council of the united counties of Stormont, Dundas and Glengarry, we are pleased to be invited to comment today regarding the impact of the operations of the St Lawrence Parks Commission and its policy implementation effects.

A vast majority of the holdings or assets of the St Lawrence Parks Commission are concentrated within the geographic boundaries of Stormont, Dundas and Glengarry. We recognize that generating economic activity in eastern Ontario is a stated priority of the St Lawrence Parks Commission and the government of Ontario.

A statement quoted from a vision document prepared by the St Lawrence Parks Commission states, "Our challenge is to create new corporate and community partnerships which provide high-quality entertainment and excellent customer service that lead towards increased visitation and greater economic benefits."

The philosophy of the Ontario Ministry of Tourism and Recreation states:

"The Ministry of Tourism and Recreation believes that people are its greatest strength and most valued resource. People make Ontario a good place to live and visit, and the ministry a good place to work. We strive to be appreciative and respectful of our clients and each other. We help people develop their potential. We listen and respond to our clients' and each other's needs. We recognize the skills and success of people. We encourage and reward excellence."

As a principle and belief, the St Lawrence Parks Commission states, "Its greatest future strength must be built upon leadership and motivated people, with commissioners, staff and communities working together."

Our Stormont, Dundas and Glengarry department of economic development, established in 1990, has maintained a working relationship with senior management in an attempt to realize that vision. Further, a recent one-day focus group hosted by the parks of the St Lawrence invited our Stormont, Dundas and Glengarry director of economic development to participate on behalf of municipal and united counties interests.

In the background notes forwarded in advance to prepare for the focus group session, one document stated that "In an environment of fiscal restraint, when more must be done with less, the commission has lost its ability to do many things well."

Under the heading of "Concerns" we'll deal with item 1. One objective of the commission is to encourage and promote the tourism industry in Ontario east on a year-round basis for the economic benefit of the people of the region and the province as a whole. Since the closure of two parks of the St Lawrence, one in 1990 and the other in 1993, several municipalities in the united counties have been unable to resolve their reopening under private sector leases to offer employment, increase tourism revenues or additional tourism selection choices.

This effort has been strongly supported by our provincial member, the honourable John Cleary, MPP for Cornwall. I also want to mention that although I don't have copies of letters from Noble Villeneuve, he has been most supportive of our attempts to try and resolve these matters.

In a letter dated June 28, 1994, Mr Cleary states in frustration:

"Once again, the NDP ministers have effectively disregarded the interests of the private sector, as well as the best interests of tourism in the area, by citing contracting-out positions for work previously carried out by unionized employees of the St Lawrence Parks Commission. My Laughren also reiterates his government's constant reference to consultation on the matter, which to my knowledge are now into their fourth year with no evident progress being made.

"I find it truly unfortunate that the province's ideological views have hindered the creation of jobs for the unemployed and students, and have refused to cooperate with private investors. Tourists to the area, local businesses and recreationists share the disappointment over this government's policy on the parks commission."

County councillors share this frustration in attempting to source new revenue and employment in partnerships with the private sector and the parks. The parks remain closed and subject to vandalism and overgrowth. They do not add to the general attractiveness or image of the municipalities they are located in, and of course offer no new employment or revenue opportunities.

We would like to request that, with the continued support of the commissioners and senior staff of the St Lawrence Parks Commission, the Ontario government move towards the reopening of these parks in 1995, under private sector agreements, without the restrictive and costly labour issues which would preclude success.

This matter raises the need for a provincial mandate that will change the rules and allow the commission to enter into new labour or collective agreements and review collective agreements and associated wage-benefit problems to ensure that jobs are indeed protected by building and developing products on behalf of the residents and the parks of the St Lawrence.

Item 2: Another statement of principle and belief from working papers states, "The commission is dedicated to

communicating effectively with visitors, staff, community leaders and associations, private tourism operators and the MCTR."

This is an area that we in Stormont, Dundas and Glengarry would like to see dramatically improved. A regular series of meetings between our community economic development/tourism director, other economic development directors throughout the territory, the Seaway Valley Tourist Association, and including elected councillors, should be held regularly to discuss well in advance plans for the parks' future. Receiving a media release on the plans for the upcoming year one day in advance of its being released to the media is not sufficient, in our minds, and does not come under the heading of effective communication.

Our director of economic development had suggested this issue be dealt with at the recent focus group session. It was well received by staff and commissioners in attendance. This would improve the perceived reluctance to buy into the parks' new vision. Improved and truly effective communications will allow for planning and cooperative marketing efforts on both fronts to benefit residents, municipalities, the parks and the province.

I pause for a moment to welcome Warden Sangster.

Item 3: The selection process for appointing commissioners to the parks should be put into the realm of the parks and not Queen's Park. In this manner, the commissioners can be selected to fit into certain categories of expertise to match the new needs of the parks of the St Lawrence.

Item 4: The vision required to successfully operate the parks of the St Lawrence needs to be longer than a provincial political re-election schedule. This will allow for forward planning. It has been said that the current vision is not a vision. Certain items will be reviewed on an annual basis, but the new vision will be guided by time frames of 10 to 20 years, with markers along the way to be measured and adjusted as required.

Item 5: Certain regulations need to be amended to allow the management of the parks to borrow funds or access other sources of funding directly, either at provincial or federal levels, as municipalities and counties can now do. Government orientation stops business development.

Item 6: As a result of the focus group's efforts, several other items should be addressed and considered by the standing committee:

(a) If the parks had ownership of the land, they would be able to sell, lease or reach other agreements with private sector or public partners in a more business-directed manner. This would result in new developments, assessment and employment. A heritage fund could be established as a result to preserve the valuable collections. Restrictions now placed on the parks and their attempts to operate in a business or entrepreneurial manner are being frustrated by the province of Ontario. It's like telling your teenager, "You can have the car tonight, but not the keys."

Real or perceived government red tape and too many channels in the provincial approval process do not allow

for the immediate action required by the parks, or for that matter any business, to operate and create opportunities.

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(b) Current government policy restricts free enterprise. Severe government cutbacks do not allow for planning issues to be addressed properly, as any other business would require, to be successful. Further, perceived contradictory provincial government policies frustrate S-D-G, park management and commission efforts.

(c) The vision of financial self-sufficiency within 20 years is admirable but too far in advance to grasp. It is proposed that the Ontario government consider providing to the parks of the St Lawrence a five- to seven-year window towards achieving this goal. This would provide a sense of urgency. Further, sufficient additional funding from the province should be provided to the parks to allow this step to be taken with success during that time.

(d) New attractions should be created to attract additional tourists to Ontario east and keep them here overnight or for one additional day. This would benefit not only the parks but all of the partners with increased employment and revenue.

(e) It should be recognized that preserving the heritage of Ontario does not always represent a possible profit opportunity. Transfer payments should be amended and increased to reflect and recognize this role, which has been passed along to the parks, rather than maintained by the province of Ontario as occurs in other areas of the province.

(f) Consideration should be given to an increase in available marketing dollars provided by the province to better position the parks and Ontario east. This will be done in close partnership with available marketing dollars from the tourism associations and economic development agencies through the parks' territory. For too long, MCTR has been perceived to be ignoring most of Ontario east, and I exclude Ottawa in that matter.

Perhaps funding in this regard could be directed towards a new initiative under development by our S-D-G economic development office that was proposed by Premier Rae and Governor Cuomo, for implementation in 1995, to increase visitations between residents of Seaway Trails New York and the Seaway Valley.

Additional suggestions will be coming forth after the process of focus groups and a search seminar has been held and presented for consideration to the commissioners of the parks. But in the perception of the United Counties of Stormont, Dundas and Glengarry, these issues deserve recognition and attention today at this hearing with the standing committee.

The current organizational strategies reflect too much of the old vision and old reality. There is a recognized need for new strategies to reflect the current financial reality and the new vision. In this regard, leadership has been taken by the parks in hosting focus groups to design a vision for future successes. These sessions have provided an extensive and very creative list of projects that will require and deserve the support of MCTR and the province of Ontario.

In summary, we wish to thank you for the opportunity

to present these concerns and issues before you today. We, as S-D-G, will continue to support and work closely with the parks in our ongoing efforts to increase our slice of the tourism pie in Ontario east and, in particular, Stormont, Dundas and Glengarry.

We ask that you please continue to support the Parks of the St Lawrence. They represent one of our partners as our "gateway" and "branding" towards tourism growth and revenues, offering employment to our summer youth and new opportunities to private sector businesses.

A recognition of their successes to date would be most beneficial and motivating as they continue along the new path, towards new partnerships and financial self-sufficiency. The provision of increased taxation in the \$15-million range for all of Ontario and the resulting spinoff revenues of over \$60 million certainly deserve support and encouragement.

It's respectfully submitted on behalf of Warden Charles Sangster, United Counties, S-D-G.

The Chair: Thank you, Mr Williamson. The government members are first. Mr Waters, and it's five minutes per caucus.

Mr Waters: I'd like to go through a list of your concerns, and I gather we're talking about Charlottenburgh here again, just so that you're aware. I believe it was closed due to recommendations by an outside consultant who had come in and said to close it. It was closed, I believe, for the 1990 season and has been closed ever since. To let you know, we are hoping that by the end of this month there will be something that the commission will be able to go out with and go to the public for tender on that.

At the same time, I think you have to recognize that part of the collective agreement includes successor rights and all of those things. That's part of the agreement that the parks commission has entered into with its employees. Those things are in place and have to be dealt with as we do this. You couldn't turn it around in a matter of six months or ignore that; it took time to sit down.

The current minister has been in place for about a year and a half. Within two or three months of becoming minister, she had directed me to come down and work on the problem. Hopefully, we will have something in place or the ability to have it in place by 1995, to answer that question.

You ask about them being able to be run like a business, being able to set their fees and keep their dollars. For the first time the commission, in all of its history, managed that this year. We passed something last year that allowed that. This year I believe I got something from the parks commission just a while back that says that the annual revenues have reached \$5 million, which is a new record for the commission. Obviously that is working, which I think goes to jobs in the long term, as well as an upturn in the economy, both inside and outside the parks commission.

On the appointment of the commissioners, I guess that's part of the legislative process, that's part of the rules under which the St Lawrence Parks Commission is run, the legislation. I guess we haven't seen a demon-

strated need to change that at this point. For the most part, people who care very deeply about the parks commission in eastern Ontario are indeed represented on that commission.

I don't want to take up all the time; I would like some time for you to respond to some of this.

The vision: I think what you're looking at is that we have another similar parks commission, the St Clair Parkway Commission. Although it doesn't have Upper Canada Village and the fort, it does have attractions and it was the first one. They figure that by the year 2000 they will be self-sufficient. It's 30% there now. That was more than four or five years to do that, because there's a capital investment that has to go in in order to broaden the base so they can do the business.

I guess I'd leave it at that and ask you if you have any comments on what I've just said.

Mr Williamson: A couple of points: First of all, you had an opportunity to meet with some of the representatives, or your representative did, regarding the issues of the parks, and there are two parks we're concerned about.

You mention that it's a start in what the parks of the St Lawrence has been doing. I will speak personally: I am personally very, very pleased with the efforts and the new incentives and the new excitement I see from the parks. When I have staff, I believe in motivating staff to go further and not to put a cap on them. I don't expect them to increase 5% a year; if they can achieve 15% to 30%, I like to let them loose to do it. What I'm hearing from the focus groups that were held recently—there was a total of three focus groups; I only participated in one as a full partner—that excitement must be maintained and must be motivated. The start is there. I'm pleased you're recognizing it, but I think they need further encouragement and further loosening of the rules to allow them to do that.

I understand your concerns over the labour, but four years is a long time to try to reach something. I appreciate the parks starting to think as a business. It's been a long time. That's why we relate in this brief that too many things were done in the old way. They're being turned loose and they're doing their own evaluations among themselves as to what training is needed, what's required to enable them to do the job they see in their own vision. That's why I'm asking for the encouragement of the province of Ontario to allow them to do that.

1450

As far as the current rules are concerned, they are current rules, and I'm suggesting those current rules may need a review as we move towards self-sufficiency and that 20 or 30 years is too far along the line. I don't want to hear a 2000-anything towards self-sufficiency; I'm talking five years to seven years. Given the sense of urgency, let them get on with it. Help support them financially to do that, let them do it and be proud from an Ontario perspective that they can achieve that.

Mr Cleary: Welcome to the committee, Warden and Mr Williamson. We have had many discussions over many years about these closed parks. Today we have all the players in one room. We have union representatives,

we have the parks commission and, across the way, we have government members.

It's very hard for me to buy the time period that's gone by. We've heard, meeting with former ministers, "We're going to get it ironed out." Today we hear, "We're getting it ironed out in November."

I've been carrying this around with me for some time and I'm going to read it to you. It's from the office of the assistant deputy minister and it's addressed to Frank Shaw:

"The minister has told me that the government is opposed in principle to the privatization of any provincial parks, including those owned by the St Lawrence Parks Commission. This would not apply, of course, to the operation of the provincial park by a public agency, including a municipality, so that you can proceed with the Osnabruck negotiations.

"In the case of the private sector proposals for other parks, a cabinet submission will be required to obtain exemption from the government policy before a Management Board submission can be submitted. In fairness to the people who submitted bids, you should advise them of the policy of the present government as soon as possible. I would not be optimistic in obtaining policy approval in time for the 1991 operational season."

As far as I know, that is still in place, and it's signed by the assistant deputy minister. We've discussed that many times in this area, and the warden is from the east part of this area. The businesses down there are just furious.

Mr Waters: When was it in 1991—May, June?

Mr Cleary: February 22, 1991. We've met with all ministers since that and nothing is happening. The parks commission's hands are tied as long as you have this ideology of a policy in place, and parks have been closed four years. If you gentlemen would like to make a comment on that—

Mr Charles Sangster: Thanks, Mr Cleary. I have to back up everything you've said there. We've met three or four different ministers over the years. They were always going to guarantee that there were going to be solutions coming within six months, nine months. It's nearly four years down the road now. Now we hear that in November things are going to happen. If that's still the policy of the government, how can those things happen now?

Mr Cleary: I know that the counties in this particular area, because these parks are in the counties, have been working very hard to attract tourists to the area. They've agreed that they would be involved in some kind of partnership as long as we can get these parks open. The demand is there. There are all kinds of residents from another province looking to put their little campers in a site. We have golf courses, we have restaurants, we have everything depending on this, but we've been batting our heads against the wall. Mr Williamson and I have talked about this many times. Do you gentlemen have any solutions, what we could do to get this off the ground?

Mr Williamson: I'm pleased to hear that Dan Waters is telling me we're going to be seeing something in 1995. I will reiterate, I used the word "frustration" in our brief

that's going through. I continue to believe and look forward towards that.

Mr Cleary: I'm sure there's much land in the parks commission that's not being used and probably not even being mowed, and I'm sure that you gentlemen would support some kind of partnership agreement to create jobs in this land in our area.

Mr Williamson: We have been working towards that, as you know, for some time and are willing to be flexible to reach agreements that would be satisfactory to all parties. We appreciate the labour concerns, but because my background is economic development, I'm interested in revenue and I'm interested in successful businesses. The current collective agreements that are in place preclude success for the private sector to be able to employ people and to make a profit at that level, and in discussions with several people, there are opportunities there to negotiate some of those points.

Mr Cleary: Thank you. Don't give up.

Mr Villeneuve: Charlie, you live close by there, Bainsville. You're within one concession of a number of parks, several that are closed, but the private parks that are operating there, like Lancaster Park, would they still be going full speed right now at this time of the year?

Mr Sangster: I would suggest this time of the year they're getting pretty well closed up for the fall, Noble, but just last weekend they were still going full tilt. But now is the end.

Mr Villeneuve: I know they have a lot of activities there. Campers participate in something going on almost every weekend. Would you be aware if Lancaster Park has been full up pretty well all summer?

Mr Sangster: Yes, I would suggest it's been full up.

Mr Villeneuve: And the fact that Charlottenburgh and Raisin are closed right close by in Charlottenburgh, you would be missing a number of economic activities that would be part of the business in Bainsville, the business in Lancaster, whenever they were open and were basically having many out-of-province people set up shop there for the entire summer. In 1990, the first year that Charlottenburgh was closed down, did you notice a marked reduction in commercial and economic activity?

Mr Sangster: I would suggest that in the village of Lancaster their businesses went down 15% to 20% the first year. That's what the people there tell me.

Mr Villeneuve: That's a pretty important lack of ripple in economic activity. We always tend to think of tourists as people with non-Ontario licence plates. I have been saying that within the 10 million population in Ontario we have many tourists with Ontario licence plates and we have to zero in on that area known as the Golden Horseshoe, not only to advertise but to let them know the type of facilities we have along Lake St Lawrence, Lake St Francis, and not only the negative activities that no longer—or happen to a lesser degree.

Do you feel we're advertising enough in that Golden Horseshoe area to make them aware of what we have here in the east?

Mr Sangster: I think we are, for what we have left open.

Mr Villeneuve: That's an interesting comment. But it was a very important economic activity, as you say, when your business goes down 15% during that time of the year when you expect to be doing strong business.

In your experience, have there been negatives when the parks were open? I recall well that the OPP would say, "We will be monitoring these parks very closely to make sure that alcoholic beverages are not taken in." Were there negative effects when those parks were open?

Mr Sangster: I wouldn't say so. You've had occurrences when you get a lot of people together, period. But if you want to go into that about the parks that have been closed, I think there have been a lot more negative things happening in those parks since they've been closed, with smuggling and vandalism and whatever.

Mr Villeneuve: Someone this morning suggested that at Charlottenburgh, the newly installed equipment—I know there's a major problem with the septic system there yet, but I understand that newly installed bathroom/washroom fixtures have been vandalized. Are you directly familiar with that, Charlie?

Mr Sangster: I would say everything that's been put in there is a write-off.

Mr Villeneuve: All the more reason to have them open, and the quicker the better.

The Chair: Thank you very much. That looks after all three caucuses. I again thank Mr Williamson and Warden Sangster for coming before the committee this afternoon.

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ONTARIO PUBLIC SERVICE EMPLOYEES UNION

The Chair: Our next presenter has been here two days, actually, if I'm not mistaken.

Mr John Ryce: We enjoy it.

The Chair: So you're well prepared and well briefed. This deputation is the Ontario Public Service Employees Union, Mr John Ryce, who's chairperson of the MCTR employee relations committee, and Mr Roger Haley, who is the job security officer and negotiator for eastern Ontario. If any of that information isn't correct, please correct it, and would you introduce the other two gentlemen with you, please.

Mr Ryce: Thank you, Madam Chairperson, committee members. My name is John Ryce and, as mentioned, I'm the chairperson elected to represent OPSEU on the Ministry of Culture, Tourism and Recreation ERC. I wear a couple of other hats too. I'm local president for Local 464, which is at Fort Henry. I'm also a concerned staff member; I've worked for the commission for 16 years now. I also have Roger Haley with me, who is a staff member of OPSEU, job security officer. I've asked Mike Oliver to sit in in case you have questions. He's an elected official; he's a board member for region 4. We also have Peter Cazaly, who is the other president of the two locals involved, who spoke this morning. I've asked him to sit up here in case there are any specific questions with his local in the question-and-answer period.

The Ontario Public Service Employees Union wishes to thank the committee for the opportunity to speak

before it with regard to the operational review of the St Lawrence Parks Commission. Although there have been others before us yesterday and today speaking in terms of localized concerns, I wish to stress that this specific statement has been authorized by OPSEU and I have been directed to make these presentations acting in my capacity as chairperson for the Ministry of Culture, Tourism and Recreation employee-employer relations committee.

The union is committed to working with its membership and the employer to make the St Lawrence Parks Commission a model workplace. Our goal is to identify areas of past difficulties or inefficiencies with hopes that in the future there would be positive changes and improvements.

The first area is under the heading "Heritage, Culture and Education." We feel the commission is not living up to its mandate of preservation and collections management of the artefacts, land and property it has control of in public trust. The commission is a cultural institution, and we should not exist with the main purpose of making a profit. We operate museums and provide public services. With revenue retention we cannot accomplish this mandate effectively. Our emphasis on education seems to be diminishing in the past few years. As we've heard in the last couple of days, there seems to be a large number of artefacts tucked away or hidden away that the public doesn't have access to.

Under budget restraints, as in the rest of the government, we have been cut back, and cut back so much that we cannot deliver the quality product and service we are world famous for. We are not trying to say that the commission should be immune from government restraints, but we sometimes question its method of dealing with these cutbacks. A lot of the cutbacks came at very inopportune times, a lot of times after a major part of our season and our major workforce have already left us or are about to leave. It's very difficult for us to deal with them that way when we have very little money left in the pot and they want a substantial amount.

Several parks and buildings have been closed due to lack of finances. It's not fair to the taxpayer to come to Upper Canada Village and find some buildings and displays closed down. As we heard earlier, you would need at least two days, possibly more, to be able to see everything that a few years ago you were able to see in one day.

The union has also tried unsuccessfully to negotiate with management and the government to reopen the parks in eastern Ontario. Right now as I sit here, I'd like to set the record straight. Both myself and Roger Haley were in negotiations, about a year ago now, with Mr Waters and some of his staff.

First of all, the union is opposed to shutting the parks down in the first place. But if they are shut down and then have to be reopened, we're in full support of reopening the parks, but the only problem is that we have to meet certain conditions. There are successor rights, as Mr Waters has spoken about, and we have our collective agreement. We can't be breaking the law, and we could be making the collective agreement and breaking it as

well. We are fully in support of opening these parks again, but we have to make sure that the rights of our members are being looked after.

It came as a bit of a surprise to hear that there's going to be a request for proposals going out next month, but I fully anticipate that the conditions that were sought when we met with Mr Waters will be met and will be part of the terms of this request for proposals.

The world-renowned sunset ceremony at Fort Henry fell victim to both budget cuts and revenue retention. Because it was a losing program financially, the commission decided to cancel all performances for 1994. Part of the problem is that on paper it costs us approximately \$275,000 to run the sunset ceremonies—we had to increase our staffing levels, increase our training time to run these sunset ceremonies—and we only grossed \$57,000 from it. They're not taking into account the economic spinoff in that study that was done, which basically says that, up to \$100 million, the St Lawrence Parks Commission is responsible for generating economic spinoffs.

We've cut this program because for the St Lawrence Parks Commission, it wasn't making a dollar. But as an agency of the government I believe we have a commitment to the rest of the province in the economic spinoffs. If you use these figures, for every \$1 million we get cut, we have the potential of maybe losing \$6 million or \$6.5 million of economic spinoffs to the rest of the community. It's very important to our partners in the Kingston area, and the government has to realize how much the spinoff means to them.

Funding for the biannual visit to Washington was also discontinued. Without the Fort Henry Guard Club and many concerned employees, this international exchange would not have taken place this year. Unfortunately, we had to staff it again by using volunteers.

Under the issue of contracting out, the social contract says the government is supposed to be looking seriously at repatriating contracted-out services, but the commission seems to be headed in the opposite direction. They are slowly picking away two or three jobs here, two or three jobs there, until pretty soon we'll have no more public servants left in the commission. There is a certain level of mistrust and a sense of betrayal due to the contracting out and privatization of many jobs and services that were previously done by OPSEU members; for example, security officers, cleaners, food services, tradespeople, parks etc. The quality of service for the public has suffered, and I can attest to that with many examples which I won't bore you with today.

As to the point brought up yesterday that private enterprise people work 18-hour days, well, they may have the ambition to do that if they're the owner-operator and they're lining their pockets, but I don't think the minimum-wage people they employ have that kind of motivation to work 18 hours a day.

I know fellow public servants have a commitment to their job and the job they do. It doesn't make sense that we're letting private contractors make money off our operations when now it is our new mandate, with revenue retention—if that's the way we're going to stay, if they're

making money, why can't we make money at those same things? We've got to look at getting some of those services back into the public service.

Capital spending: We understand that for an organization of our size, age and diversity, we require major capital funding to protect and preserve the province's investment in the St Lawrence Parks Commission. What is hard to accept is that when we are spending hundreds of thousands of dollars on the parks—and the Charlottenburgh Park is a prime example. In my research—I don't have my file with me—they spent in the neighbourhood of \$200,000 or \$300,000 in the year after they closed it, and there it sits. All this money the government has invested in this park, and it sits there empty. That doesn't sit well with us either. We think it's poor management of the funds. The money could have been better spent elsewhere.

It is also very hard for the staff to continue to see money being spent on various projects while services and programs continue to be cut back. Some of this money would be better spent on our most important investment: the retention of experienced and qualified staff. We must have more flexibility with the way we spend capital dollars. As opposed to all this contracting out with our capital funding, we should be looking at putting more jobs, opening those buildings back up and turning this into salary dollars.

1510

Employee-employer relations: The St Lawrence Parks Commission has several productive union-management committees that foster a sense of cooperation and information sharing. I have been a part of these committees for about the last four or five years, and many of them work very well and the commission does a good job of trying to communicate with the staff. However, there are many grievances filed yearly, mainly because of a few managers who have no respect or appreciation for the union and the collective agreement. Grievances have unnecessarily become a costly venture for both sides.

We are a seasonal operation, but many of our jobs are required year-round. Management relies too heavily upon classifying positions as seasonal. The seasonal workers are treated as second-class employees, with few benefits, and are usually the short-term solution whenever there is a need for salary dollars. Cuts are made to seasonals without regard to the importance of their positions. Staff morale remains very low due to the yearly layoffs and shortened contracts.

Seasonal employees and the students—a rough guessimate; I don't have the exact figures—make up approximately 80% of our workforce. For a short-term fix whenever we need any money, that's the way they get their contract shortened, because you have an immediate saving right away. This is not right.

We continue with too many layers of management. In the last reorganization, which took place about a year ago now, decisions were made to cut some middle management, which helped to deal with some of our concerns.

There is also abuse of some student contracts. With CECBA reform, students are now part of OPSEU and we

represent them. There are some former students who remain in student position and salary, contrary to the St Lawrence Parks Commission definition of a student. We feel driven because of revenue retention and the driving force behind saving a dollar to hire a student at half the price.

The continued use of volunteers and work programs threatens the jobs and existence of the rest of the employees. It is very difficult to accept the fact that we had staff doing a particular job previously but now we have a volunteer performing those functions. Some ex-employees have literally lost everything they own and have been forced to move in with family members.

We have three major recommendations that come out of our report.

First of all, we feel the St Lawrence Parks Commission must become more directly accountable to the ministry. The direction of programs and final decision-making must be mandated and closely scrutinized by Queen's Park. The ministry should review whether we need commissioners and the use of the commission or their directors' mandates and policies. I've always felt, being on the ministry ERC, that we should be similar to places like Fort William and Huronia, which have direct accountability to the ministry, and then we wouldn't require a board or commissioners. We could probably streamline a lot better in terms of human resources, and we would be more accountable and our management would be more accountable to the ministry.

We also recommend that the allotment of funding for capital ventures must be reviewed. Project dollars should be shifted when available to restore essential services and programs, again such as hiring staff that is badly needed.

The third recommendation is that the ministry must intervene immediately in labour relations and hiring practices. Our services have suffered dramatically. As we saw this morning, there has to be some kind of investigation or looking further into some substantial claims made by employees this morning.

If you require any clarification on our views and opinions, please do not hesitate to ask. We hope this helps in making the St Lawrence Parks Commission better for the government, management, staff and the public. Thank you very much.

Mr Cleary: Welcome to the committee. I know you've had two reasonably long days here, but I guess the goal of the committee and the goal of everyone here was to make the parks commission a better place and to be around for a long time and create more jobs.

I'd like your views on the Raisin and Charlottenburgh parks, one of which has been closed for going on five years. From the research I've done—it could be right; it could be wrong—it's my understanding that the former employees who worked there were all working somewhere else, who wanted to work. I'd just like your views on that.

Mr Roger Haley: Mr Cleary and I have been corresponding over the summer on this very issue, and we began last fall, in 1993, with Mr Waters.

Right from the top, as Mr Ryce said, OPSEU opposes

privatization of all types. But having said that, Mr Waters is right: It does happen, and there are successor rights in effect. It binds both the union and the employer. It's a law and must be followed, and we're going to pursue those avenues every chance we get.

All through these two days we've heard, "We're going to privatize this and privatize that." I can assure the commission and the committee that OPSEU will go up the St Lawrence River as far as need be and apply successor rights to every privatized campsite facility in this commission, if need be. They spoke of one new collective agreement. We will also oppose that. They will have as many new collective agreements as they wish according to the successor rights.

Having said that, and what Mr Ryce has said to you, we agree those campsites should have been opened long ago. The successor rights are in place for privatization purposes. There is no reason, in our opinion, why those campsites shouldn't have been operating this summer. I believe there are one or two employees outstanding who haven't worked. Arrangements must be made for those people to be working.

The last I heard, Mr Cleary—you and I spoke in the spring—the topic had been shifted to Management Board, to Mr Charlton's office. That's where it died. I know about nothing further than that. But it should be open now.

Mr Cleary: I think it is dead. I can't get any information either.

I want to talk about a family operation. Say proposals come out; I don't know whether they will or not, but if they do and it were a family operation, I'd like to know where you stand on that, a family operation.

Mr Haley: It doesn't matter to us whether it's a family or a megacorporation. The successor rights do apply and our job positions that go with that operation fall within that piece of legislation.

Mr Cleary: I'm not going to read this letter again—I've read it about three times now—but do you support the contents of that letter?

Mr Haley: I'm glad to hear they oppose privatization of the parks. I believe there will be some difficulties with municipalities operating the parks. I can see there's been far too much downloading on the municipalities by every ministry: roads, land registries and so forth. The municipalities and the local taxpayers simply cannot have any more financial burden and responsibilities placed on them. I give them credit for offering to keep necessary projects open because they don't see any other alternative, because they're being abandoned by lack of funding and the commission itself. However, having said that, being a local taxpayer, I wouldn't want to see my taxes raised and raised and raised to support a provincial operation.

Mr Cleary: I guess we would sooner refer to a partnership than a private, because everyone gets a share of the profits of that and it creates jobs, and the more people we get working the less that each of us as taxpayers supposedly will have to pay. I have lots of questions, but my colleague—

Mr Morin: I don't have time.

The Chair: No, I'm afraid not. You've had 38 seconds over time.

Interjection: Is that all?

The Chair: I just want you to know I'm being generous.

1520

Mr Villeneuve: There are a number of areas I want to question you on. First of all, one of your own members attempted to put forth a submission on Raisin River Park and told me that under the existing contract, where successor rights would apply—and he's a member of your union—he could not operate the park. He was planning to operate it with his wife and his family and one student. What sort of successor rights is he subject to there? Can he operate with a student or does it have to be someone from your local?

Mr Ryce: The OPSEU positions would come first. If successor rights are applied, I believe those positions are protected and become within OPSEU. You can't say, "We're just going to hire all students," especially now that the students are in OPSEU as well. We have to protect those positions as they were prior to privatization.

Mr Villeneuve: Can he hire his wife and daughter?

Mr Ryce: He certainly can. They would be in OPSEU. That's the legislation.

Mr Villeneuve: He's one of your members.

Mr Ryce: That's fine.

Mr Villeneuve: That's why we've got a dichotomy here. We would sure like to break this impasse, and I'm not sure we're breaking it today.

Mr Ryce: I have a real simple solution to the whole problem, and we could have the parks open again next year: Just give the St Lawrence Parks Commission some funding back. They will open up with our own members the way they were prior to shutting them down. The reason they were shut down, I understand, was because of budget cuts and we didn't have the money to run them. Reinstate some of our funding and we'll put our members in and we'll open the parks back up again. Part of the whole problem with that is that we can't compete fairly because we don't have the servicing as the other campgrounds have. This whole profit thing—we're saying one thing with revenue retention, but also, we can't compete fairly. There's got to be a balance there somewhere.

Mr Villeneuve: Your colleague Mr Haley says he doesn't want the taxes to increase and increase and increase. I don't know, but we've got a rough row to hoe right here as we deal with this impasse. But let's leave that alone. I think we know where you stand on that.

Half a dozen people made presentations just before lunch—very, very interesting. Where do you stand on some of these things, without getting into specifics? I believe you are major players here. This is a very serious concern.

Mr Ryce: I'll let Michael Oliver, our board member for the region, speak to the question.

Mr Michael Oliver: I had a lot to do last summer on

behalf of the president of the union. I investigated some complaints that were going on in the St Lawrence parks. I would seriously push for an investigation. There are so many serious allegations of harassment and of nepotism and favouritism and people's contracts being cut short that it has to be looked into. By any reasonable management, government would have to look into these allegations. I'm hoping that's one of the recommendations coming out of here today. The allegations are that serious that they just have to be investigated, and we would urge you to do so.

Mr Villeneuve: Management hires and then they become employees of the parks commission. Do they automatically become your members, members of OPSEU?

Mr Oliver: Yes, they're in our bargaining unit.

Mr Villeneuve: You're in a dichotomy of having to defend someone who is one of your members whom you may not have agreed with the hiring of in the first place?

Mr Oliver: Once somebody is a member of the union and they pay union dues, then they in fact have all the rights and protection under the union. That's what makes it so great to belong to a union, as they have all that protection built into it. Once they're our members and we represent them, that's our legal obligation.

Mr Villeneuve: That's a bit of a dichotomy, much like what we've just discussed regarding successor rights for you, is it not?

Mr Oliver: I was hoping that I could give a Cornwall perspective on these parks, and I hope I get that opportunity, but we're in the business of defending people and representing people; it's just that simple. From what I saw last year—your question is, should we be taking action? This committee very strongly should recommend an investigation of the St Lawrence parks, based on what you heard this morning.

Mr Villeneuve: I will be supporting your stand on that. I agree with you 100%.

The Chair: You have another minute.

Mr Villeneuve: Back to the parks that are closed. The economic effect, as was heard from the warden, a 15% decline in business, bang, when Charlottenburgh shut down, and to a lesser degree Raisin, because it's a smaller park and a family type, maybe a little more self-contained that what Charlottenburgh was, creates, again, the famous dichotomy that your people will not be working when the parks are closed. One of your own people attempted to lease one of these parks and was turned down by the rules that he contributes to support. Could we not reach some sort of a compromise here?

Mr Oliver: I'd like to tell you that the last four or five years, not just as an OPSEU board member but as president of the labour council in Cornwall—I think John Cleary knows the effort that we put into unemployment in Cornwall. It really comes as a slap in the face to the unemployed in Cornwall, after the hundreds and hundreds of hours we've put in on different committees trying to help the unemployed, when we see any government by design taking jobs out of this area. So we are just as upset, whatever happens, whether it's parks or small

industry leaving. It's a wonderment to us when \$60,000-to-\$70,000-a-year people make decisions that \$14-an-hour public servants are making too much and it should go to the private sector at the minimum wage. That doesn't seem like fairness in my perspective.

The parks shouldn't have been closed in the first place. We're seeing the Americans with 40 cents on the dollar coming over here. We're losing all that money. John's been fighting this for some time now, the potential and the ripple effect we're missing. The parks should be open, but they should be open with accountability and standards, and those standards are built into public service. It's something that was there.

If you ask a \$14-an-hour employee, "Okay, we're going to shut; your job's gone and we're going to replace you tomorrow with somebody at minimum wage," of course they're going to fight that, and I'm glad they have an organization to do that for them, because it's just not fair.

The parks have been handcuffed. They can't compete with the private sector in this area because the rules are different. That's why they're in such a mess. If you put us on a level playing field, the parks would contribute. I'm going to quote what the last person who was up here talking from the S-D-G counties' department of economic development said, that preserving heritage does not always mean profit, and attracting new tourist dollars means enhancing attractions. We support that 1,000%. So I think we're close, but it doesn't always mean robbing the middle class; not even the middle class, the working wage. That's not always the answer.

The Chair: Mr Waters and Mr Wilson, five minutes.

Mr Gary Wilson: What? Just five? They got 38 seconds more. They got four minutes more.

Mr Waters: You're eating into my time, Gary. You just lost out there.

The Chair: All right, I'll give you five minutes and 38 seconds. You got 38 seconds extra.

Mr Waters: Gentlemen, I think one of the things people have trouble understanding is successor rights. Do they go with the person or with the job? There is a big difference. Could you clarify that for the committee members?

Mr Haley: With the position.

Mr Waters: With the position, not the person, right?

Mr Haley: Not the person. An example: If there were four bodies, four workers' positions in that certain operation when it shut down or when it was sold, when that business was sold, those four positions go with that sale of business.

Mr Villeneuve: They caused it to shut down.

Mr Waters: You have to understand what successor rights are. Mr Haley is the expert. He knows this.

I can tell you that I appreciate the meetings over the last two or three years, in particular starting last fall. It was as difficult for me almost as it was for the union members, because in my past life I was one of the people who fought against privatization. We sat in a room and came up with an agreement or the potential for an

agreement that went against the very things we talked about in order to protect the existing jobs that were there. That was the sole reason why. Do either of you gentlemen want to expand on that, as to why there was any agreement at all or the potential of an agreement that could come later this year?

Mr Haley: That piece of legislation is crucial to maintaining rights and benefits of any worker, regardless of whether you're working at Alcan or Domtar. There will always be someone coming along wanting to slash and make more profit. It's just human nature. You want to make more profit. That is a crucial piece of law that helps protect the average worker. Regardless of whether the person is an OPSEU member or not, he will soon become an employer, and that law pertains to the employer and to the government and to the unions. It's not just OPSEU, it's every union in Ontario, every employer in Ontario. You sell a hospital, you sell a business, and that piece of legislation applies. So it is the position.

1530

Hopefully, and it's just news to us this week—

Mr Waters: Well, the potential.

Mr Haley: The potential—we'll get it going for next spring and we can work on that. The commission, and we haven't expanded upon this yet, has neglected to discuss the tendering process and the contracting out with us, contrary to our graciously imposed social contract. That's supposed to be done also. They haven't discussed any contracting out with us. They just go ahead and do it. This is the first chance we've had to discuss any contracting out.

Mr Waters: John, I think you mentioned in your brief that in the summer of 1990 we were still spending money on Charlottenburgh.

Mr Ryce: Again, I don't have my file with me, but when I did some background in this I found that—and I'm not sure what park it was. Is it Charlottenburgh that has all the problems with the septic and that?

Mr Waters: Yes, that's the one.

Mr Ryce: Well, they spent enormous amounts of money on its last year of operation and apparently the year after it closed down they still came and spent a pile of money on it.

Mr Villeneuve: In 1989.

Mr Waters: In 1989 and 1990.

Mr Ryce: And I've got the facts that I got through the commission when I started looking into this thing, because I had no idea even where Charlottenburgh and Raisin River parks were. I started with getting a map to find out where they were and doing research, because I'm down at Fort Henry so I don't have the luxury of being familiar with all the area down here.

I found that pretty hard to accept, that even after it was closed down, there was \$100,000 or something spent on this park that was totally shut down already. The decision had been made to shut it down, and apparently they did not finish what they started, because the septic system is still defunct. I guess they started on it, from my recollec-

tion, but they did not get it finished.

Mr Waters: Okay. How much time do I have left?

Mr Morin: Five seconds.

The Chair: No, you've got 30 seconds. No, sorry, you've got a minute because I said you were getting an extra 38.

Mr Gary Wilson: Thanks a lot for your presentation. It offered some really thought-provoking elements. One I'd like to check on here first of all is the thing around the sunset ceremony which gets a bit more specific than we've got time to get into, but in part it comes down to the amount of money that's available. You speak to that in a few places in your presentation. But the second recommendation says that the capital venture should be evaluated and thinking maybe the money should go to, as you have it here, essential services and programs, which of course is a year-over-year thing requiring a lot more money than the one-shot capital deal.

Then, when you think of something like Fort Henry, where the province is spending \$900,000 to put in an essential service, unless that's spent, the future of the fort is at risk, so I can't see how you could oppose that. Also, it does come down then to dollars and cents; you've threatened the future of the money-generating aspect of the fort, or of that attraction. So I guess the question is, where's the money going to come from, and do you think there's enough money there now, that it's just a question of how it's allotted?

Mr Ryce: No, there definitely isn't enough money there now. I could tell you that from—

Mr Gary Wilson: Sorry, there isn't or is?

Mr Ryce: There isn't enough money there now. We've been cut so thin that we're below the crucial level. Yes, definitely the sewer system at St Lawrence Parks Commission or at Fort Henry is long overdue. I work in the mains department; I've been well aware of it since I've been there, for the last 16 years, and it's at least 16 years overdue.

We definitely do need capital expenditures and capital funds. There's no way that we can run and keep the nature of our business going with just our regular budget and our transfer payment. What I'm saying as an example is that the money that was put into that park that was shut down would have been much better spent on wages, and we've shut down to a point where it looks like wherever you get capital dollars, it's all contracting out. We've got to redefine the way we deal with our capital allotment, and if it means supplementing the program and hiring staff and increasing the staffing levels, if that's

what we have to do with it, that should be acceptable.

We're going to have all nice new buildings that aren't falling down, but they're all going to be closed to the public because we have no staff to run them, and that's what we're getting at—definitely, not that we're getting too much capital money; I don't think we are. I think we get in the neighbourhood of approximately \$3 million a year. It's going mostly to good use, but there's some other waste of it when we're spending on stuff that we would be better off having employees to do the job. That's what we're looking at.

The Chair: Thank you very much. We would like to thank Mr Ryce, Mr Haley, Mr Cazaly again and Mr Oliver for your attendance at the committee today.

Just before we adjourn, I would like to thank our staff for facilitating this committee hearing so well in the last three days. We've had a very tight schedule to keep to and, in spite of the rude comments about the Chair using the stopwatch, we have managed to finish almost on time.

I've appreciated everybody's cooperation. Particularly, it's interesting, I think, that when we hold public hearings on the road and we bring our staff, everything flows along the same way it does in our legislative committee rooms. I want to commend Lynn Mellor, the commander-in-chief who keeps all of us on our toes as the clerk; Beth Grahame, as our Hansard person; and Dimitrios Petselis and Rocco Rampino for making everything work well. Thank you all very much.

Mr Morin: I'd like to congratulate the Chair for having done a very good job; a steel hand in a velvet glove.

The Chair: The other person I wanted to mention is Mr David Pond, our researcher, who will have all this information to enjoy for the interim period, till we meet yet again to complete the review.

Mr Gary Wilson: Translators?

The Chair: No, thank you. I've completed the appreciation.

Mr Cleary: Could I just say another word too? It was great to have you here, but now that you know where eastern Ontario is, you're welcome to come back and spend your money at any time. We welcome that often.

Mr Villeneuve: S-D-G is to the north, west and east of here; not to the south.

The Chair: Thank you all very much, and this committee stands adjourned until we reconvene at Queen's Park.

The committee adjourned at 1536.

STANDING COMMITTEE ON GOVERNMENT AGENCIES

- ***Chair / Présidente:** Marland, Margaret (Mississauga South/-Sud PC)
 Vice-Chair / Vice-Président: McLean, Allan K. (Simcoe East/-Est PC)
 Bradley, James J. (St Catharines L)
*Carter, Jenny (Peterborough ND)
*Cleary, John C. (Cornwall L)
*Curling, Alvin (Scarborough North/-Nord L)
 Ferguson, Will, (Kitchener ND)
*Frankford, Robert (Scarborough East/-Est ND)
 Harrington, Margaret H. (Niagara Falls ND)
*Malkowski, Gary (York East/-Est ND)
*Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
 Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Substitutions present/ Membres remplaçants présents:

Fletcher, Derek (Guelph ND) for Ms Harrington
Morin, Gilles E. (Carleton East/-Est L) for Mr Bradley
Runciman, Robert W. (Leeds-Grenville PC) for Mrs Witmer
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC) for Mr McLean
Wilson, Gary (Kingston and The Islands/Kingston et Les Iles ND) for Mr Ferguson

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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of Ontario**

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**Assemblée législative
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**Official Report
of Debates
(Hansard)**

Wednesday 2 November 1994

**Journal
des débats
(Hansard)**

Mercredi 2 novembre 1994

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 2 November 1994

Mercredi 2 novembre 1994

The committee met at 1034 in room 228, following a closed session.

INTENDED APPOINTMENTS

ROBERT SARACINO

Review of intended appointment, selected by official opposition party: Robert Saracino, intended appointee as member, Ontario Civilian Commission on Police Services.

The Chair (Mrs Margaret Marland): Welcome to the committee, Mr Saracino. If you wish, you may make a brief opening comment or we can just start right into rotation of questions with the members.

Mr Robert Saracino: Thank you very much, Madam Chair and members. May I first of all express to each and every one of you my prestige, honour and privilege to be here this morning as an intended appointee to the OCC-PS.

I would certainly hope to believe that my knowledge and my experience will serve to work towards the betterment of all citizens in Ontario and that my expertise and my experience will be a meaningful help to work on the civilian board. If I may, I would like to give some of my background, if that's permissible.

The Chair: Actually, your background in detail has been furnished to each of the members of the committee as part of the material that they receive about all the appointees. But I'm sure that in answering questions you will be able to use and highlight some of that information as well. We will start with the Liberal Party, the official opposition party.

Mr Alvin Curling (Scarborough North): Welcome, Mr Saracino, to the committee. This is one of the most responsible positions that any of the people can take up these days. I'd like to ask you a question first on the matter of your status. Are you now seeking re-election to be mayor again?

Mr Saracino: No, sir, I am not seeking re-election.

Mr Curling: You're not seeking for that any more, eh? If there is anything, Mr Saracino, that the community at large is concerned about, it's an issue of safety and policing that they are looking at very closely. As a matter of fact, even news releases are showing cutbacks in money all over; I'm not talking about Ontario but about around the world. I saw something that said that police now are on bicycles because they can't find enough money to even pay their pensions or to fuel their vehicles.

But there are some other issues here that have been quite pertinent to police and also to the Ontario Civilian

Commission on Police Services. One of the issues is employment equity, and although the police themselves have their own employment equity, which is quite a forward move on their part and for the province, how familiar are you with the employment equity policy of the police services? If you are familiar with it, what grade would you give the progress at the time of the police services commission?

Mr Saracino: Thank you very much, sir, for the question. My understanding is that it eliminates the systematic barriers, which allows for the recruitment and promotion of certain members of a prescribed group. I believe that is an excellent move on the part of police services which I fully support. I believe it gives everyone in Ontario an equal opportunity, especially those of the visible minorities, to apply for these positions in the municipalities.

Mr Curling: Women also are one of the designated groups that have not been properly represented in the police force. Do you think there is sufficient progress being made at this time since that has been brought about?

Mr Saracino: Yes, I believe that the police services boards have made substantial gains in that regard. I know that there's a lot more work to be done but I certainly support the police services boards in their attempts to hire females to serve in the police departments.

Mr Curling: Government has been paying lip-service to the training of police officers, meaning that the funding for training has been completely inadequate itself. Do you feel that way too, that the funding for police training has been inadequate?

Mr Saracino: I believe the government is like every other municipality, whether it be regional or provincial. There's a time of economic restraint and certainly they must review their programs and priorities, and perhaps there are other areas that they could adjust, but I strongly support the government's position, especially in today's economic climate.

Mr Curling: But do you support the government's position that they are putting inadequate funding into police training?

Mr Saracino: I do not believe that to be true, sir. That is my humble view. I believe that they are amply supplying additional funds for police training.

Mr Curling: So you feel that sufficient funds are there with which to train police officers? Because that's a complaint we hear from the police officers, that there are not sufficient funds for training.

Mr Saracino: I believe the funds are allocated in a proper manner, sir.

Mr Curling: You're seeing that it's adequate there?

Mr Saracino: Yes, sir, I do.

1040

Mr Curling: There was a new policy on wife assault, which, if you speak to any police officer, they'll tell you that it's one of the most difficult missions to be on. There are procedures to be followed. Are you familiar with that policy?

Mr Saracino: I am not at this time very familiar with that policy, but I hope to make myself most familiar with that. It's an important issue that we must address. I'm very disturbed at the amount of wife assault and female beatings that go on in this province. I certainly will make myself very familiar with that.

Mr Curling: I thought you would have been, as a mayor, familiar with some of that policing policy on wife assault and how police officers carry out their duties. You're not familiar with the new policy at all?

Mr Saracino: I'm in contact with our local police detachment on a frequent basis, and I'm very familiar with some of the mechanics that they have in place. I'm pleased to see that my municipality is certainly well policed, and I think the issue is well in hand.

Mr Curling: The use of deadly force by police officers, there was quite a debate about two years ago or more, and there were procedures that police officers were asked to follow. As a matter of fact, if they draw their gun, they don't need to report it, but if they do fire the gun, they should report it. Are you familiar with that policy?

Mr Saracino: Not entirely, sir, I am not, but I understand the pressures that the police officer is under when he is confronted with an assailant who draws a weapon and he fires upon that person. It's instantaneous. I trust that the officer uses his or her own good judgement in the use of that firearm.

Mr Curling: Do you have any problems at all with a police officer drawing his gun and reporting it? Do you see any problem with a police officer doing that?

Mr Saracino: I personally see no problem with that.

Mr Curling: So you would support the fact that once a police officer draws his gun he should then report that, regardless if he uses it or not?

Mr Saracino: I believe that there should be some form of statistics on how many times a police officer draws his weapon, whether it be for use or what have you. Yes, I do.

Mr Curling: What changes do you see that you would advance while you sit on that board? What would be one of your priorities?

Mr Saracino: I'm personally very, very pleased to see the community-based policing program. In fact I take great pride that my municipality, the city of Port Colborne, was one of the first municipalities in the region of Niagara to implement community-based policing. It gives the opportunity to the citizen to be part of the decision-making programs with the police itself. It has worked

extremely well not only in my municipality but in all municipalities that I'm aware of with community-based policing. I feel that the citizens want to take part in decision-making programs and that they want to be part of policing.

As you know, policing is a very important institution in this land, as all the citizens have the right to expect proper policing and protection of themselves, their families and their properties, to see that their neighbourhoods are free from crime.

In my own area, and I'm speaking generally for the Niagara region, community-based policing has been a major improvement and certainly a movement in the right direction. I see police services boards have done an excellent job. There's a little more work to be done, granted, yes, but I believe the police services boards are on the right track.

Mr Curling: Mr Saracino, I want to wish you well in your appointment.

Mr Saracino: Thank you very much, sir. I appreciate your comments.

The Chair: There are three minutes left. Any further questions by the Liberals? The Conservatives, Mr McLean.

Mr Allan K. McLean (Simcoe East): Welcome to the committee, Mr Saracino. The application for this position, how did you hear about it? Did you make application, or how did it come about that you applied for it?

Mr Saracino: Thank you for the question. Quite some time ago I expressed an interest to serve on a provincial board or agency, and I wrote to the provincial appointments secretary and asked if consideration could be given that I would be very honoured to serve on the board. Recently I was in touch with a representative of the provincial secretariat, who indicated at that time that there perhaps might be a vacancy on OCCPS, and I expressed a sincere desire to be considered for that should the time come into place. I'm very honoured to be before you here today, sir, and this panel for that.

Mr McLean: As mayor, you would be probably speaking the same as a lot of other mayors in this province with regard to the police services boards. As you know, the majority are appointments from the province. The budget is a very large budget in most municipalities, and most mayors who talked to me felt the majority should be from the municipality and not from the government appointments. What's your opinion on that?

Mr Saracino: Thank you very much, sir. I appreciate the question. Having been involved with the police services board in my particular region as well as a member of regional council, that question used to come up very, very frequently. However, I do believe the provincial appointees are just. They are local people. They know the area and certainly want to do the best job that they can.

The matter of budgets are of all great concern. I recall back in the late 1970s, as a member of regional council, when the budget was then appealed to the former Ontario Police Commission with regard to the excessive amount

of money that was budgeted for. I extremely believe, sir, that if proper and more dialogue and communication would have taken place, that appeal would not have been launched. I feel that the police services boards in all their good wisdom and their good judgement strike a budget to enhance the policing services and also to protect the citizens of their various municipalities throughout this province. So I think with more dialogue, more upfront discussions, that a lot of those appeals could be overcome.

Mr McLean: The Ontario Civilian Commission on Police Services: If the commission finds that a municipal police force is not providing adequate or effective police services or is not complying with the act or its regulations, it may communicate that finding to the police services board. How would they find out whether that police services is not complying with the act? Would that have to be laid by a complaint, or how would that happen?

Mr Saracino: Perhaps, sir, in most cases the citizens who feel that they were unjustly treated or unjustly done by would lodge a complaint, and there is a mechanism in place to lodge complaints against police officers as well as members of the police services board. They can do it through their local police stations or the regional detachments or through the Solicitor General's office, and I believe at that time perhaps a chief of police could address that, and if they're not satisfied they go to the services board and up through the chains of command.

Mr McLean: Are you familiar with any of the other members on the Ontario civilian commission?

Mr Saracino: No, sir, I'm not. I just had the pleasure of meeting the chair about a week ago and it was my pleasure to meet that person.

Mr McLean: Who is the chair?

Mr Saracino: Murray Chitra.

Mr McLean: I'm curious about your position with regard to the amount of female officers who are on the forces in Ontario today. To me there appears to be a need for increased numbers because of the people they're dealing with. What is your opinion on that?

Mr Saracino: Yes, sir, thank you very much. I believe the equity employment plan will address such matters as that with regard to female persons to serve on police forces. I certainly do support that and I believe the local police services boards are attempting to do just that and they've made some substantial gains. I do believe that they are on the right track and I look forward to that.

Mr McLean: I wish you well.

Mr Saracino: Thank you, sir. I appreciate your questions.

Ms Evelyn Gigantes (Ottawa Centre): Mr Saracino, welcome. I want to commend your response to Mr Curling's question on training, because in fact this government has increased the amount of training moneys provided for police officers, particularly in the area of the use of arms.

I also noted your support for community policing. I would think that some community policing, certainly in my municipality, is carried out very effectively on

bicycles, which are not looked upon as second-class vehicles by the police personnel who use them, and who are in very good shape, I might say.

I'd like to ask you about your understanding of the process of accountability of police forces in Ontario, and in particular about your experience as a member of the Niagara Regional Board of Commissioners of Police during what I believe was the period 1985 to 1989?

Mr Saracino: That is correct, ma'am.

1050

Ms Gigantes: There was also a judicial review of police services of the Niagara Regional Police in and around that time, and I wonder if you could give us some description of your understanding of the reasons for that review, the recommendations, your feeling about those recommendations and your experience as an individual member of that board of commissioners—how you felt about it.

Mr Saracino: Thank you very much, ma'am, for the question. In so far as accountability, I don't believe there could be enough accountability, especially in light of when municipal agencies are collecting taxes to provide for the services rendered by the police services board. I believe, ma'am, that you're referring to the Colter inquiry—

Ms Gigantes: Yes, indeed.

Mr Saracino: —which was conducted into the allegations with regard to conduct of the Niagara Regional Police force, of which I happened to be a member at that particular time.

In my view, it was a very, very costly expenditure, one which the taxpayers of this province could not afford. The length of time it took was substantial and I believe the recommendations of His Honour Judge Colter were fair and reasonable. I happened to be a member of that police services board and I am proud to say that those persons conducted themselves in a very, very professional manner.

We based our decisions on the facts that were presented to us and I feel, in all good conscience, that with the information we had at our disposal the right decision was made. However, hindsight is better than foresight. After the recommendations came forth, many of those decisions were left with perhaps persons who are not alive today, and I believe it had a profound effect on their families and it had a very, very spinoff effect. However, I believe that the democratic process does work, it is working and I believe the citizens of Ontario have a right to inquire into the conduct of their police force, as well as the police services board.

So I believe, ma'am, it was done in a fair and just manner, and I believe the results—sometimes I don't understand that some of the decisions that were made perhaps may not have been implemented today, but I think it was a lesson that all parties certainly learned from. I believe our Niagara Regional Police force is second to none and I'm very, very proud of the officers, the men and women who have conducted themselves in a very, very professional manner. I think the Colter inquiry certainly drew a lot of attention to the Niagara

region as well as throughout this province of Ontario and I have the utmost regard for all men in uniform and women in uniform.

It was a very, very costly lesson to learn, but I believe that lesson will prove to be beneficial as time goes on.

Ms Gigantes: In effect, the commission you are nominated to join is a kind of alternative method of reviewing the kinds of difficulties that arose during that period. Would you agree with me on that?

Mr Saracino: Yes, ma'am, I would agree with you.

Ms Gigantes: It's certainly not unusual for judicial inquiries to be long and drawn-out, in the experience of members of this Legislature. I think we could all agree that that tends to happen with judicial inquiries.

I guess my question relates to how, as a former member of the Niagara regional board of commissioners, you would see the role of the commission for which you are now nominated and how you would see doing a similar kind of review in a different way. Could you give us some notion of that?

Mr Saracino: Yes. Thank you very much for the question. I believe one of the roles of an OCCPS member is to hear discipline disputes that arise between officers who have been disciplined as well as to settle budgetary disputes that do arise between municipal police forces and their services board as well as from municipal council, and I do believe that my experience I have had with the Niagara Regional Police Services Board will benefit not only myself but benefit the OCCPS board as well.

Ms Gigantes: Could you give us some specific example of how?

Mr Saracino: I've been involved with the Colter inquiry and certainly the knowledge and experience that I've gained from that hopefully will be a tremendous asset to this board. I know the appeal positions of the conduct of regional police forces, the discipline action that has been taken, policies—as a member of the services board, it was one of our mandates to implement policies for the operations of a police service there and to make sure that the chief of police complies with the Police Act and that his reporting system to the police board members is fair and honest so that they can make their best recommendations on the information they have before them. I believe, with all due respect, ma'am, that the experience that I have gained certainly would, I hope, be an asset to the OCCPS board.

Ms Gigantes: Would it be your understanding that the police services board, following along recommendations of Judge Colter, should be a more active body than the former commission was in the Niagara region?

Mr Saracino: Not knowing the exact amount of work and what OCCPS actually does, I certainly believe that it would have a major impact on that. Yes, I do.

Mr Robert Frankford (Scarborough East): Good morning. In this committee, we've interviewed many police board appointees in the past, which gives us some idea of the needs of policing in many different areas, large and small. One of the things which is interesting is trying to compare the needs and get some fix on what's

going on there. It seems to me that this ties in with the question of crime statistics, which I think also have considerable potential uses in overall planning. I wonder if you could make any comment on what happens with crime statistics right now and any thoughts that you have on what should develop in the future.

Mr Saracino: Thank you, sir, for the question. Statistics are always a very interesting subject. Hopefully they are done in a meaningful way and in a very productive manner and are used perhaps to diminish crime or to improve the quality and the level of services. However, if they're used for academic purposes or just for number crunching, they do not have a meaningful operation.

But in regard to crime statistics, I feel that stats are most, most important. It certainly gives the chief of police and his force an idea as to what types of crime are being committed in that particular municipality, whether it's wife assaults, murders, B and E or arson. Once you review those types of statistics, I believe that a police services board and the chief respond to that, to know what type of work maybe should be done: more public education such as in the line of wife assault, implementing programs that would address that, to try and curtail some of that particular type of crime.

I do believe stats are most important in administering a police force and I do believe that all the police forces do have those stats. I understand that they use them extensively. Perhaps it's a mechanism and a way to eliminate crime and to deter further types of that particular issue.

Ms Margaret H. Harrington (Niagara Falls): Thank you very much for coming up, Bob. I want to talk about employment equity. Obviously there is a policy and it's had varying degrees of success across the province. What would you recommend, say, for the Niagara area? What percentage should be female officers and how are we going to get to that point?

Mr Saracino: Thank you very much for the question, ma'am. I would like to see more female officers, truly, and in contact with our local police chief, certainly he feels of the same view. I do believe that employment equity should have a basic goal and should be reasonable in its manner of approach of implementation. I feel now that more public education needs to be done as to what employment equity is. I believe the message will go out into the communities and hopefully those visible minorities, as well as female-type persons, would address those and take part. I believe that would certainly go a long way towards getting many of our female persons on the police force.

The Chair: Thank you for your appearance this morning before the committee, Mr Saracino.

Mr Saracino: Thank you very much, Madam Chair.
1100

STANLEY SADINSKY

Review of intended appointment, selected by government party: Stanley Sadinsky, intended appointee as member and chair, Ontario Racing Commission.

The Chair: Good morning, Mr Sadinsky. If you would like to have a seat, make yourself comfortable and

welcome to the committee. This interview was selected by the government members, so we will start with the government members.

Mr Frankford: Good morning. I represent a suburban, largely residential riding in Scarborough, so one might say there's no direct connection with horse racing. However, the question of teletheatres interests me, and we do have one, which I understand is doing quite well.

This seems to me something which has many potentially useful benefits both for the local economy of areas like mine and for the industry and the more rural areas that that tends to support. I wonder if you'd share some thoughts about where you see that going and perhaps ways in which we could use this to, let's say, increase the market in the urban areas, presumably with benefits for the whole industry and the province.

Mr Stanley Sadinsky: Teletheatres certainly are a recent and important innovation. There's a dilemma, I think, connected with teletheatres. The more people who attend at teletheatres and bet on horse racing, presumably, or arguably, the fewer people might attend at the tracks themselves. So there's a tension between promotion of teletheatres and of course the great desire of track operators and horsemen to ensure that as many people as possible still attend the races. I frankly think this is one of the important issues and challenges that we have to deal with in the future.

Teletheatres of course arise from the technology that's become available to us. We've had experience in the past with difficulties in attracting patrons to the track, and this is a natural way of bringing the track to the patron. Obviously, the industry has embraced it and taken advantage of this opportunity. I think it has enormous potential for growth. I think this growth has to be monitored carefully, and what I'd like to see is a status that encourages teletheatres but at the same time finds ways of trying to attract people to the track itself. I think that's very possible, because the more people who become involved in the industry and in the sport and in the fun of the sport, the more likely I think they are, if they started out with teletheatres, to attend the races. So they're not incompatible necessarily, but we have to keep our eye on that one very carefully.

Mr Frankford: As you can tell, I come from the UK originally, where betting shops are commonplace on every High Street. I think that perhaps teletheatres are a better approach, because it controls things and it also has the spinoff effects of encouraging bars and restaurants.

Mr Sadinsky: Right. I spent six months in Australia and I can tell you that the teletheatre operation, that idea, is prevalent in Australia. In Sydney there is a teletheatre in every district, in every neighbourhood. I also attended the races in Sydney as often as I could, and the attendance at the races is fabulous. One feeds on the other. So I see it as a tremendously attractive and challenging opportunity.

Mr Frankford: I know you're going to be asked about casinos, but it seems to me that this is sort of a more local, smaller-scale option to casinos, which in my case I think works well. I don't think my area is looking for casinos.

Mr Sadinsky: Casinos of course pose a different scenario. In a sense, every gaming entertainment dollar that goes to a competitive kind of use like a casino may be considered not to be in the best interests of horse racing. On the other hand, I think there are ways in which horse racing can benefit as a result of the existence of casinos.

As a member of the commission, if I become a member of the commission, we of course don't control questions as to whether there should or shouldn't be casinos in Ontario, but if there are and if they're near tracks, or even if they're not near tracks, it seems to me that we have a role to play to ensure that horse racing benefits as a result of casinos. There are ways, I think, of doing that.

Mr Frankford: I think this segues into Mrs Harrington's question.

Ms Harrington: Yes. Your position is, I would believe, a mandate for a regulatory control, but I wanted to get into major changes in the horse racing industry. One can't go back to the past; one has to evolve and address the concerns and have a vision of what will be successful in the future. I guess we're probably at that kind of turning point now, so I wanted to ask you to express your vision of where you'd like to see the industry go. I know that's not directly your mandate, but I imagine you would be part of a planning process in some way. In five or 10 years, what changes would you see?

Mr Sadinsky: Obviously, the major objective is to ensure that the racing industry remains viable and that it adapts to whatever changes are ongoing in the entire gaming and entertainment industry. My focus, of course, if I was on the commission, would be to promote as best I could the best interests of racing. That would be the primary function.

Depending upon the nature of the developments in the other areas of gaming and entertainment, I would hope that the racing industry would seek ways of integrating itself with those changes so that racing continues to play a major role as an entertainment by itself, but also possibly as an integral part of the other operations.

Ms Harrington: We hear from the representatives from across this province, especially from rural Ontario, the importance of horse racing not just as an entertainment but also as part of our economy and the farm economy, so we realize that's another reason that we as legislators have to be concerned about this.

But I want to ask you the question, because I represent the city of Niagara Falls, about the connection in the future between, say, a casino and the racetrack. As you know, in Niagara we have the Fort Erie Race Track, which is a beautiful setting and I think is doing fairly well these days. We want to protect that and all those jobs—there are up to about 4,000 or so associated jobs—and look at the possibility of a casino and have both prosper. Can you see that kind of thing working?

Mr Sadinsky: We have had a very recent experience in Ontario that we can look to. Mind you, it's in its infancy, but Windsor is, I think, the place to look to

begin with. My understanding is that Windsor recommenced its live racing just this past month, and of course we all know about the casino that's in place in Windsor. The attendance and handle at Windsor were dramatically up during its first week of operation live. I'm told that the handle is up 17%, which is a remarkable increase. Now, how is that possible in light of the fact that there is this large casino operating in Windsor?

Ms Gigantes: There's no baseball or hockey, though.

Mr Sadinsky: That's true. I don't know that we can do anything about keeping it that way, but perhaps that's been helpful to racing.

I take that to be a very positive sign. Obviously, the management of Windsor has found ways of attracting a live audience to Windsor to participate in horse racing in spite of the competition that exists practically in their backyard. I'm not in the business of operating racetracks, nor would the commission be in the business of operating racetracks, but clearly there are tons of marketing opportunities to attract people to the area, people interested in gaming and entertainment, some of whom would go to the races, some of whom would go to the casino, to the benefit of both operations.

It's like Eaton's and Sears being in the same shopping centre. Why are they both there? It's because it attracts consumers, and sometimes they'll shop in one area and sometimes in the other. In a way it doesn't matter which. They know in the long run it'll benefit the entire centre. I see that as possible for areas like Niagara.

I'm not in a position, though, to advocate for or against a casino in Niagara, except to the extent that it affects racing. That's, of course, the principal mandate of the commission, and that is to protect the interests of racing in the public interest. So I would do whatever I could to ensure that that happened, but by no means do I think that means you must take a stance that there can never be anything else.

Ms Harrington: I think what you're saying is that the bottom line is a positive attitude of working together.

Mr Sadinsky: Absolutely. I think we're in an extraordinarily exciting time for horse racing and for this whole area. Horse racing has to be and is optimistic right now about its future, and should be.

1110

Mr Carman McClelland (Brampton North): Good morning, professor, and welcome.

Mr Sadinsky: Good morning. Thank you.

Mr McClelland: It's a pleasure to see you and hopefully have an opportunity to meet you and chat personally after our session this morning.

Concerning your response to my friends opposite, in response to Ms Harrington, you indicated that one of your grave concerns is with respect to the health of the industry. I wonder if you'd comment on that in light of the fact that in terms of the announcement of your pending appointment, the minister indicated that your role would hopefully shift from one of promoting the industry and having a proactive position, as had been the case in the past, and she used the word—I'm sure not in a pejorative sense, and I hasten to add that; I don't want to

attribute that to her. It was called "downgrading" to a part-time position so you could focus on the regulatory aspects of the business.

You've indicated that you have some concerns, I think rightly so, about the health and the viability of the industry, and you talked about your vision in response to that. How do you see your role with the focus, to use the minister's words, shifting to regulatory as opposed to the proactive, promotional, seizing on, as you say, the tons of marketing opportunities to promote the best interests of the industry? How are you going to harmonize those apparently not necessarily contradictory but different directions?

Mr Sadinsky: I don't see it as being problematic for this reason: I understand the shift in emphasis the minister has addressed herself to. I agree, and I think the prime function of the commission is regulatory in nature. That's its mandate, that's what the statute says. When I was on the commission in the 1980s that was basically the function it performed, and I think that is its prime function, to regulate the industry in the public interest. So I would expect that by far and away most of our time would be spent on a broad range of regulatory matters.

On the other hand, another function of an administrative tribunal is to advise the government when the government asks for advice, and it may well be that in the area of the development of the industry from time to time advice will be sought. When it is, I certainly won't be shy; I'll be ready and willing to offer that advice and hope that from time to time it's taken.

Mr McClelland: What advice would you give to a government with respect to the situation at Greenwood with the racing assistance program, wherein the government committed 50% of that funding, subject to continuance of racing? We're now in a situation where I think it can be said without being alarmist that there's significant financial pressure on the Ontario Jockey Club. I suspect they would be asking the government to forgive the 50% loan, which, as you know, involves some considerable millions of dollars. What advice would you give to the government, sir, with respect to that issue?

Mr Sadinsky: That's a very good question. My understanding is that the racing commission basically is responsible for the administration of those funds. I would think that if an issue arose as to what should happen to those funds, the commission would hold a hearing and would hear all parties and their positions with respect to just that. I would assume that the jockey club would make representations to the commission, as would other interested parties, and the commission, I think, would react on the basis of those submissions.

That's what I see the function of the commission as being, that is, an independent body that hears problems, listens to them, comes to a conclusion based on the information it gets and either makes a decision or advises government on the basis of that.

I think it would be premature to prejudge that without hearing what the parties have to say as to what should happen to those funds.

Mr McClelland: On the other hand, bearing in mind

of course that the principal parties involved are indeed the OJC and the commission itself, being the two contracting parties, surely as the chairman of the commission you would not be necessarily there—and I throw this out in a rhetorical sense for your response—to perhaps receive information, although that would be an interesting and certainly a necessary function of your responsibilities, but also to advance a position in terms of a contract to which you were a party, as the chair of a commission which was the second party to a contract.

Do you see therein somewhat of a dilemma, inasmuch as you're suggesting that you'd be seeking information, but on the other hand, you have a contract that is enforceable and has specific terms that quite frankly aren't being met, in my opinion?

Mr Sadinsky: Mr McClelland, I've never read that contract, as you can well appreciate, and when I say "seeking information," what I mean in this context is hearing the submissions and representations of the parties as to what the contract says, what it means, how it should be interpreted and how it should be applied in the circumstances of the case. As I say, it would be premature and unwise for me at this stage to try and prejudge that kind of issue without hearing what the parties had to say.

Mr McClelland: I appreciate that, sir, particularly coming from somebody who is quite well read and learned in the law, indeed a professor of law.

Mr Sadinsky: For example, I'd want to hear what the horsemen had to say about that.

Mr McClelland: Let me pick up on that for a moment. As of today, to the best of my knowledge, the Ontario Jockey Club has not yet applied for dates for the 1995 season, nor has there been agreement reached for the winter simulcast from Florida, which commences approximately a month from now. It commences December 9, as far as I know.

In your "regulatory" role, with the focus on a regulatory role, what do you see that you could do to affect the resolution of what would appear to be an impasse with respect to the winter simulcast, which I think is critical for off-track betting, for the viability of the industry and the exposure and maintaining of the market share? As part and parcel of that, what would you see being done to facilitate the arrival at some sort of solution to the setting of dates by the Ontario Jockey Club so the horsemen in point of fact aren't effectively—and I use the word "effectively"; I think that's the operative word—locked out for the 1995 season?

Mr Sadinsky: I don't mean to put you off, but my approach to that particular question is similar to the approach I took to the last one, and that is that when the jockey club or any other track makes an application to the commission for race dates, the entire commission sits and hears that application. It hears the submissions that are made as to why the jockey club, in this case, wants particular race dates or doesn't want particular race dates. It hears the submissions of other tracks, of the horsemen, of all interested parties. Those are public hearings. And on the basis of those submissions and the information that's provided, a decision is made by the commission.

I don't see the role of the commission on a matter such as that as being proactive, of prejudging the situation, deciding what it thinks is in the best interests of the parties and then trying to impose a solution on them. My view is that the commission should be reactive in a situation like that and hear first what the parties have to say.

Mr McClelland: Would you care to elaborate and maybe help me with that in the context of your suggestion that indeed a significant role of the commission is to ensure the viability and health of the industry. I hope I'm not being prophetic, and I don't like to speak hypothetically, but as we approach the December 9 date, less than a month away—you said you wouldn't want to be proactive. I guess somebody has to come to the table at some time to help an impasse. Do you see your role, sir, as chair of the commission, to facilitate that impasse being dealt with, and hopefully moving from strength to strength in the industry, I think at a very critical time for the health of the industry?

Mr Sadinsky: I think we're perhaps forgetting one other factor in this equation: the current work that's being done by the industry council proposal. As you well know, a body has been put together and has been meeting since the beginning of the year, composed of representatives of the industry. One of the objectives of that particular initiative, of course, is to provide a forum where disputing parties, if there are disputing parties within the industry, can debate and have it out, so to speak, as between themselves without in effect turning every problem over to the regulatory body for a decision.

In a case like this, and I don't know the answer at this point, I'd be very interested to know what that body has been doing with this particular problem and what recommendations it might have. I would expect that there would be input from that side of the equation as well.

Mr McClelland: I don't want to prejudge your answer, but I have a sense of where your previous responses might come from. With respect—and I don't mean to be trite about it. We have a group of people—the public generally, owners and horsemen and the bettors—all with sometimes apparently conflicting agendas, and I use the word "apparently." In the sense of not wanting to be proactive but reactive to that, how do you see bringing all of them together and balancing those oft-times difficult situations, when you think of the small racetracks, by way of example, and their need to continue their market share, their need to plug into the telecasts of the OJC and the potential conflict of the small horseman, who is effectively the minor leagues, if you will—

The Chair: You're just about out of time.

Mr McClelland: Okay. If you could make a quick comment, then I have one personal note on conclusion.

The Chair: Just finish your question.

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Mr McClelland: That's the question, essentially, trying to pull all those groups together in light of the small industry and maintaining the minor leagues. My friend Ms Gigantes made reference to the Blue Jays not being here. Well, the minor leagues are playing. The

minor leagues are in the horse racing industry and they need support too, or it's going to crumble from the bottom up as opposed to the top down.

Mr Sadinsky: The sector strategy planning that has been going on has been addressing this question of cooperation within the industry as one of its major, major topics and functions. I certainly welcome that, because when I served on the commission in the 1980s there was no such body in place and, from time to time, I as a member of the commission dearly wished there were, because there were impasses in those days, as you may well recall.

Mr McClelland: Yes, indeed.

Mr Sadinsky: There was no body in effect where the parties could vent their concerns except to bring them before the commission. There was no body composed of industry members themselves who were there to look after the concerns of the industry and to encourage them to basically try and resolve their own business problems. To the extent that those issues impact on the public interest and seeing racing move forward, of course the commission has a concern and an involvement in that.

Mr McClelland: Sir, I wish you well in pulling that together for the benefit and the health of the industry, which I think is at a watershed in many respects. I wish you success in your role.

On a personal note, I want to indicate that in the 1993 commission report, on page 9, it appears there is a McClelland who did considerably well in the Ontario Sires Stakes. I want to inform you, regretfully, that's no relationship to myself at all.

Mr Sadinsky: I read that report with some interest.

Mr McClelland: I regret very much that I didn't have to go to the—

Mr Sadinsky: Perhaps next year, Mr McClelland.

Mr McClelland: One never knows.

Mr McLean: Welcome to the committee, Mr Sadinsky. Did you seek out this appointment or were you sought out to fill it?

Mr Sadinsky: I left the commission in 1985, and I must tell you, I was very sorry to leave because I loved the work, I enjoyed it enormously. When the current government came into power, you may recall that it basically advertised that persons who were interested in joining tribunals, commissions and so on ought to write and let the government know of their interest. I took advantage of that and, in March of 1991, I wrote to the director of public appointments, Office of the Premier, and told my story. I basically told them that I had experience on the commission, that I loved what I did on the commission and that I would love to go back some day and be a part of the process again. I got a letter about a month later saying, "Thanks very much. We'll put your letter in the talent bank," as they called it. I didn't hear anything from anybody until just a few months ago.

Mr McLean: How long did you serve on it, in the end?

Mr Sadinsky: Five years.

Mr McLean: You served on it for five years? So it was probably in the fall of 1985 that you weren't reappointed.

Mr Sadinsky: It was, as I recall, in the fall that my term was terminated, yes.

Mr McLean: You still have your law practice?

Mr Sadinsky: I have a very small consulting practice. I'm a professor at Queen's. I teach law, but I also do some civil litigation. I came out of private practice in Toronto and I teach in those areas and I like to keep my hand in, but it's a small litigation practice, civil.

Mr McLean: What amount of time do you think you'll still be able to spend on that and what amount of time do you think you'll spend with regard to the commission?

Mr Sadinsky: I think much less on my law practice as it is, but you must understand that it's always been very, very small. I just hoped I'd get a case or two that would take me into court every year so that when I got up in front of a group of students I could tell them about how it actually works as well as the theory of it.

Mr McLean: Since you were at the commission before, has there been an increase in staff now? What has changed at the commission? Has there been much change there? Have you observed or are you aware of it?

Mr Sadinsky: I'm not fully aware of it. You must understand that in the nine years between the time I left and now I was just a member of the public who was very keen on horse racing. But having been a member of a commission or a body, you always stay interested in what's going on because you see the regulatory side of it every time an issue comes up and you wonder, "What would I do if I were in that position?"

But I have reviewed the annual report, for example, the 1993 annual report that Mr McClelland referred to, and I recognize some familiar names who were there before. The administrative structure does not appear to me to be all that different. It's been augmented to some extent. One very good change that I see is that the commission now has a staff lawyer to basically represent it at hearings. That's something we did not have when I was a member of the commission, and I think that's of great assistance; I hope it's of great assistance.

Mr McLean: So will you work with the staff that's there or will you bring in a special assistant to help you? What do you anticipate doing as the new chair?

Mr Sadinsky: I honestly haven't addressed that at all but my expectation would be that I would work with the staff that's there.

Mr McLean: How many staff are at the commission?

Mr Sadinsky: I think there are between 15 and 20 permanent staff members.

Interjection: Seventeen, I believe.

Mr Sadinsky: I added it up and I think that's right. Excellent, by the way: The people I know and recognize from my past experience—we've got a fabulous staff.

Mr McLean: The vice-chair gets \$185 a day but it doesn't say in my notes what the chair will get. What will you be making?

Mr Sadinsky: The truth is, I don't know. Believe it or not, that issue has never been addressed, at least to the point of settling on the method or amount of compensation for the job. I'll let you know, though, as soon as I do.

Mr McLean: I notice that the number of days that have been approved are 1,700; it was the same last year. The year before it was 1,800. What is the reason for the days being less? Is that because of Greenwood being closed? What would cause the number of days to be down?

Mr Sadinsky: You mean the number of race dates? I'm speculating again, without being absolutely privy to that information, but I imagine the recession has had its role to play in this. I know there are fewer owners involved in horse racing. What that means, of course, is that the population of horses is probably down. That affects the ability of tracks to mount programs. If some of the tracks have been in some financial difficulty, in order to save costs I expect they've applied for fewer race dates. Those would be my suppositions as to why the number is down. I'm frankly delighted to know that it's not down more than that, given what we've all been through.

Mr McLean: Are you aware, does the office have any trouble hiring veterinarians or judges or racetrack officials? Is there an abundance of them looking for work?

Mr Sadinsky: I don't know that, Mr McLean. I looked again at the list of judges and stewards that were reported in the annual report and recognized a number of names of ex-jockeys, harness drivers, trainers, experienced people who had been involved in the industry. It looked to me to be a very long list. What the number of applications is for jobs of that kind, I honestly don't know.

Mr McLean: You were in Australia, and you indicated that the telemarketing theatre is pretty popular there. Do you think it's going to become as popular here?

Mr Sadinsky: I think the Australians have a different culture when it comes to horse racing. The Australians of course are Irish stock, and I think they brought their love of horse racing with them. I'm not saying we don't have Irish stock here in Ontario and in Canada as well, but they have a love of the turf that I think is different from the way Ontarians and Canadians view horse racing. I think we're in a different culture to some extent.

Mr McLean: Do you think that will change the role of the commission in any way, with the increase in teletheatres?

Mr Sadinsky: Yes, I do. I know, for example, that one of the functions of the commission is to license these teletheatres, so I imagine we'll be engaged in hearing applications to license. My understanding of the setup of teletheatres is that the federal government has an involvement in it because they are betting operations and they have to be licensed as such by the federal government, its agency, as well. But obviously, if the number of teletheatres or the style of teletheatres evolves and changes, I expect that the commission will be approached from

time to time, and quite often, to consider various matters with respect to teletheatres.

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Mr McLean: The concern I have is, I know that some who have them got them because they were a friend of somebody in the raceway. How are they going to regulate and how do people apply? Now what do they do to have it in their place of business? Do they go and deal with the raceway individually?

Mr Sadinsky: You must understand that I'm coming back into this and teletheatres are new to me in a sense. But my understanding is that the federal government in its regulations has indicated that it's prepared to license teletheatres, provided—

Mr McLean: The federal government is?

Mr Sadinsky: Yes, as betting operations. I understand that they basically have to approve them for betting purposes and then the province basically approves them because of their physical setup, their arrangements and so on; that is, the commission has to license them as well. That's my understanding.

I understand that one of the prerequisites is that the teletheatre be connected to the local or regional racetrack in that area, and that explains the connection between the racetracks and the teletheatres. As you probably know, there are a number of different regions in the province that have been divided up for the purposes of telemarketing under the auspices and aegis of the racetrack or tracks in that particular area.

Then it becomes in effect a business matter as to how the tracks then go and develop locations, and I don't know to what extent the commission plays any role in that, other than to hear the application that subsequently comes to the commission for licensing. Of course, the commission is interested in the propriety of the facility, the physical setup, how well it operates and so on.

Mr McLean: Are we now getting theatre from the States, racing in Toronto somewhere? I don't know. I'm curious.

Mr Sadinsky: Yes. My understanding is that some American thoroughbred programs have been brought into Greenwood, and to Woodbine, I believe; certainly to Greenwood during the winter in particular. I also know that feature races, big races on the weekends, both thoroughbred and standardbred, are brought in as part of the local program to augment the local program.

Mr McLean: Who approves of that?

Mr Sadinsky: Again, I assume the initial development of that is the responsibility of the track and that presumably as part of its application, its licensing procedure, that's disclosed to the commission and the commission indicates its approval or disapproval.

Mr Frankford: Madam Chair, I wonder if you could suggest to the subcommittee to discuss that in the winter break.

The Chair: Actually, I was going to say to Mr Sadinsky that I know at least Ms Carter and I would like to think that some of the Australian people came from Britain as well as Ireland.

Mr Sadinsky: I knew that I was in trouble on that one, Madam Chair.

Ms Jenny Carter (Peterborough): There are more Irish people here.

The Chair: Anyway, we would like to thank you for your appearance before the committee this morning, Mr Sadinsky.

Mr Sadinsky: Thank you very much.

BRUCE RYAN

Review of intended appointment, selected by third party: Bruce Ryan, intended appointee as chair, Ontario Graduate Scholarship Selection Board.

The Chair: Our final interview this morning is Dr Bruce Ryan. Welcome to the committee, Dr Ryan. This is a selection this morning by the Conservatives.

Mr McLean: Welcome to the committee, sir. Can you give us a little outlay of what this scholarship is? Is this to pick the ones who are already scholars, who's going to be the top one?

Dr Bruce Ryan: No. This is a board that selects the winners of the Ontario graduate scholarships. I don't, on my fingertips, have the total numbers, but we're talking hundreds of awards here. They're available to any graduate student in the province of Ontario, a student who is applying for admission to a graduate program or is already in a graduate program.

The scholarships are worth approximately \$12,000 each annually and you're awarded for one year at a time. The chances of winning an award are about one in five. There are about five times as many applicants as there are awards available, and that is even in spite of the fact that the application average required has been recently raised to an A- level as opposed to the B+ that has been in place for a long time.

Mr McLean: So the post-graduate scholarships can be \$16,000 approximately, according to the figures I have here, comparative scholarship statements?

Dr Ryan: Sure.

Mr McLean: I noticed here, and I'm maybe getting off the subject a little bit, but tenure: That means that a professor has a job for life. Is that what tenure means?

Dr Ryan: Tenure? No, it does not. It means that you cannot be dismissed except for cause. That means that you cannot in a sense simply be declared redundant, that someone has to make that case that you be dismissed.

Mr McLean: Eligibility for the scholarships: Give me the broad scope of how the eligibility would pertain to an individual who was kind of on the borderline. I mean, it would be pretty sad if you didn't qualify, being so close. How do you define that?

Dr Ryan: Yes, it is terribly difficult at that margin to make the decisions, but perhaps I can explain a bit how the system works.

The Ontario Council on Graduate Studies, through the graduate deans in Ontario, supplies approximately 300 names to the board. These persons, all professors in the universities, serve as members of selection panels, and there are approximately 100 panels. Each panel is composed of three persons, one of whom is the chair of the

panel. Each panel is assigned 100 dossiers from applicants.

The job of each panel member is to go through and review the contents of the dossier and identify which ones ought to be the winners. Each panel member then independently submits their rankings of the dossiers to the panel chair, who then does a largely mechanical calculation of scores and then rank-orders, in a sense, the integration of the information from the panel members and submits those rankings to a member of the selection board, who in a sense routinely reviews them but very rarely makes a change to any of the information that comes in.

The panel members are making decisions based on, first of all, student grades and other achievements, including publications and presentations at conferences, other awards received. There are letters of reference, typically academic references, other professors the student knows or who know the student's work, and then each department rank-orders the applicants from among its students so that the panel member has the separate bits of information that get reviewed.

Each panel is asked out of its 100 files to make 20 awards, and then it will be invited to make a number of recommendations for students to be in a reversion list in case some of the award winners decline, which typically happens.

Identifying the top dozen winners out of 20 is generally not a problem. Those students stand out. But as you point out, as you get down to the cutoff point, it becomes quite agonizing. I served a number of years as a panel member, and you feel really distressed at very good students who aren't getting awards. You feel that on that particular day that's how it came out, but if you came back another day and looked at the information in a slightly different way, it might come out a different way.

One hopes that because you have more than one person making recommendations, these things will work themselves out. In general, I've found as a panel chair there is a very high degree of agreement among the panel members. Wherever you find a level of disagreement that's substantial among your panel members, the responsibility you have as a chair of the panel is to go back and resolve these what are called anomalies, and through some discussion, generally through a telephone conference, you are able to resolve the differences.

Sometimes it involves a shifting of the student from a non-win to a win situation, depending on how things are reviewed. But I can assure you that this matter is dealt with extremely seriously, because we're all terribly aware of the consequences to a given student of making a mistake.

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Mr McLean: The students, if they fail, the ones who didn't make it one year, could apply for the—

Dr Ryan: To be sure.

Mr McLean: And if you can get it one year, can you get it two years or three years?

Dr Ryan: It's an annual application and an annual

award, and quite often students will win one year and not the next.

Mr McLean: I see foreign students attending university on a visa are ineligible for institutional awards, scholarships.

Dr Ryan: Institutional awards, yes. There's a separate competition for visa students and they're awarded separately from the Canadian students.

Mr McLean: I see the universities eligible to make such nominations are Brock, Lakehead, Laurentian, Trent, Wilfrid Laurier and the University of Windsor. Would they be ones that did not have the opportunity to participate in the program at one time and now they are?

Dr Ryan: No. The students from those universities can compete in what is called the open competition, but there's also a separate set of awards for those institutions. They have that special added group of awards because they're regarded as small graduate programs, and in a sense they feel they may not be able to compete as successfully in the major open competition.

Mr McLean: Thank you. I wish you well.

Ms Carter: Welcome, Dr Ryan, to this committee. You've already demonstrated that you're very familiar with this whole process, and you suggested it's a very agonizing thing when you get to the point where one person is going to be successful and another not, although the margin can be quite narrow. How important are these Ontario graduate scholarships to graduate education in Ontario, and what would happen if they weren't there? Why should the taxpayers keep contributing this money?

Dr Ryan: Well, the number of students gaining awards out of the total number gaining is really quite small, but when the universities assemble the various sources of funds from the Social Sciences and Humanities Research Council of Canada graduate fellowships, the Natural Sciences and Engineering Research Council scholarships and OGS scholarships, plus the graduate teaching assistantship awards, quite a high proportion of students will be funded at least partially with modest amounts of money to help them pay for the cost of their graduate education.

If the OGS funding was removed, I think we're looking at quite a substantial loss of one of the pieces that keeps students there. It wouldn't kill graduate studies in Ontario obviously, because it's perhaps 20% or a quarter of the funding that goes on now, but it would certainly be missed if it wasn't there.

Ms Carter: Okay, thank you. I keep in touch with Trent University, which of course has recently welcomed Leonard Conolly from Guelph as its new president, and there is considerable alarm at what the federal government seems to be considering doing. Mr Axworthy's recent paper on social security reform recommended eliminating support from the federal government for colleges and universities to zero, although last year it was \$2.6 billion.

I know that universities have cut to the bone already—Trent in particular I know is very strapped for cash—and I just wonder how you think universities would cope if this kind of cut were to be made, whether tuition fees

would be the means for making up the shortfall and what the consequences of that might be.

Dr Ryan: I think any sudden shift in the system funding around any institution would have devastating effects on how it could cope and what it could do. Perhaps the economy and the culture, the society over a decade or two decades, could work out another system so that the thing was functioning again. But anything that would happen quickly like that I think would be devastating: a loss of support for students, a loss of faculty positions, a loss of support staff. We're already pretty thin.

I know that the kind of support I've had as a professor is definitely much less now than it was 15 years ago. The students I'm teaching are getting substantially less attention to the details of their programs mostly because you just can't gain any more time. Just about virtually everybody I know works much harder now than they did 15 years ago.

Ms Carter: Of course, there are suggestions for how loans to pay higher tuition fees could be paid back as people got better-paying jobs and so on and so on, but none of that really sounds very satisfactory from the point of view of making sure that everybody can go to university whatever their background.

Dr Ryan: I know that students graduating with huge debts to pay are at a terrible disadvantage. In my experience, most students don't actually appreciate how hard it is to pay back loans. You're starting way back behind the race when you have that debt to convert.

Mr Frankford: In academe, when one starts at the undergraduate level, the enrolment is 50-50 men and women, but as one proceeds up, I think, getting into post-graduate programs and then within faculty, the proportion of women participating gets less and less.

Dr Ryan: Yes.

Mr Frankford: Do you have any thoughts on if there's any influence by the awarding of scholarships or the application of scholarships? Is there something that this process contributes to that inequity?

Dr Ryan: It may have some role to play; I'm not sure. At the University of Guelph this year, the first-year class is 68% female and anxiety is building, "What is happening to the men now?" The graduate programs are shifting very rapidly. I think faculty positions would shift reasonably quickly too if replacements were permitted. A major problem is that there's been so little turnover in faculty positions that it's very tough to find opportunities to appoint women to faculty in certain programs. There are serious shortages of females at the graduate student level, and unless they're there first they will not eventually be in the faculty complement.

The Ontario graduate scholarship program is so small in relation to the job that needs to be done that it's difficult to see how easily one could take a substantial part of that money and target it on a subgroup. Certainly when the selection board has considered this problem in the past, since I've been a member of the board, it's felt that it wanted to stay committed to using academic standing as the major criterion for the selection of

winners. It certainly was not averse to seeing that targeted awards be made to minority groups of various kinds, but only if additional funds were made available. To take some of the relatively small existing funds to do it would really undermine a lot of things that I think the scholarships are able to contribute to now.

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Mr Daniel Waters (Muskoka-Georgian Bay): Welcome to the committee. When I looked through some of the background material we had, I found something that I've never seen before, and it's the candidate search process and a statement of criteria by which the appointee was chosen. It says, "The outgoing chairperson of the OGS selection board nominates one member from the present OGS selection board to become the next chairperson." The statement of the criteria is that, "The chairperson has been nominated by the outgoing chairperson of the OGS selection board."

How well does this work? Is there a process? Is it just a personal decision by the chair or is there an internal process that brings your name forward, or, should you ever decide to move on, brings the next person's name forward?

Dr Ryan: This will be my third year on the board. I've served with two previous chairs, both of whom were excellent. I can only hope to do as well as they did.

It's a relatively small group of people, about eight or nine people. We meet twice a year to do some very important work for some people. It's not a huge job in the light of the things that are done in this province, but it's important for some people.

As one sits around the table with one's colleagues, some are obviously more interested than others. Some are a bit more attentive to the details than others. Normally out of that, with eight or nine people, there might be one or two persons who surface looking as if they're interested enough to stick around another year to do something else. I guess I must have looked a little more interested than some of the others and that's how I got tapped on the shoulder. I didn't ask the other fellow how he decided; he just did.

Mr Curling: Dr Ryan, thank you for coming before the committee. My other two colleagues would like some questions, but let me just try to quickly put one or two questions to you.

I know you are quite familiar that the cost of education is escalating tremendously. You touched a little bit on the fact that students leaving with just their first degree, at 23 or 24, will come out with a debt of about \$20,000 if they're on OSAP. It's a shock to them to know if they can continue with their education. And you're quite familiar, because you're in the graduate part of it, how important it is that even a first degree is not sufficient these days, and the hesitancy of people even applying for a scholarship to go on to do post-grad and the inadequacy of this.

What kind of pressure, and I really call it pressure, could you put on the government or even private industry to put more money into scholarships? As you know—you're quite an academic here, you must have gone

through quite a few studies—you have to almost fish around if you want to get a scholarship in 10 or eight different areas and finally get qualified. What kind of pressure do you feel should be put on the government, considering this government's cutback even in OSAP grants? There are no more grants any more; there are completely loans. Tuition fees went up under this government—but I don't want to be partisan—over the couple of years. Is there any pressure that you feel could be placed on the private sector or the public sector?

Dr Ryan: Are you asking me as the potential chair of the board or as a faculty member at the university?

Mr Curling: I'm questioning you as the chair of the board to say if there is something that could be done in order to address this very, very serious concern to students.

Dr Ryan: I see two directions of action. One is towards the government through recommendations that the board makes, and it did it at each of the three previous meetings that I attended. There was a recommendation to increase the value of the awards as well as the number of awards. We feel grateful when the number of awards hasn't gone down in recent times. They've held constant. Even that, we feel, is evidence of some support. At the same time, there's a crying need for additional support for students, and we will not resist making recommendations for increases.

At the same time, we can also make recommendations back to the graduate deans in the universities to seek funding. Our board, being an agent of government action of course, can't do a lot to go to private donors and ask for additional funds, but the universities can. In fact, my experience is that the universities are a lot more active at this kind of thing than they were 10 years ago. My own university is completely different. There is a very powerful awareness of private money and constantly working to get some more of it.

Mr Curling: My other question is rather difficult for me to ask. Considering the fact that there's a shortage of funds, Canada on the whole is not one of the leaders in having student visas and attracting the scholarship of people who are on student visas here. Ontario's record is not all that great either. There are great investments that can be made in actually awarding scholarships to people on student visas that pay back in great numbers. Is there anything that could be done in your area, specially in graduate studies, of more scholarships being offered to visa students?

Dr Ryan: Certainly it's part of our constant recommending that the number of awards be increased. We say the same thing with respect to the visa scholarships as well. There's no question that foreign students bring value to this country and future investment of relationships. In many cases, those students assume positions of leadership in their own countries. One frequently speaks to a colleague whose former graduate student is now a deputy minister or a prime minister or something like that. We're dealing with leadership potential with these students and I think that in this increasingly international world these kinds of connections are quite productive and important to build and sustain.

Mr John C. Cleary (Cornwall): Welcome to the committee. As you said earlier, the reason that you were chosen as chairman was because you seemed to show more interest. Well, I'm sure that you could tell us some other reasons too.

Dr Ryan: In terms of my own technical qualifications for this post, in my own university I have served as the chair of the awards committee for my own college and I have served on the awards committee for the university. I alluded to memberships on OGS selection panels for a number of years, and chairing the panel and so on. I've had a building of experience around scholarships both within and outside of my own university, and that's probably what got me on to the board in the first place. These are recommendations that come from the Ontario Council on Graduate Studies. Then once you get on the board, if you do the work and you act interested and you didn't say anything too foolish, you get to serve a little bit longer.

Mr Cleary: With the number of years of experience you have, I'm sure there are some changes you'd like to see.

Dr Ryan: I have had a good look at what the board is doing and it's very difficult, given the current context and the amounts of money one's dealing with, to see better ways of doing it. There's a lot of commitment from faculty all over the system to making it work. Hundreds of professors are making a contribution. It's not clear to me how it could be done any more efficiently than it is. It's terribly well organized, terribly effectively managed by the ministry staff.

The biggest change one would want to see is simply an increase in the number of awards made and, for the sake of students, an increase in the value of each award.

Mr Cleary: That was my next question: Are you satisfied with the value of the awards?

Dr Ryan: No.

Mr Cleary: I take from what you said that you weren't.

Dr Ryan: No, they simply are not adequate for most graduate students, many of whom have families to support. It's terribly difficult to see them do this. Graduate students tend to be at a different stage of life than a typical younger undergraduate who is single and looking forward to an adventure. By the time they get to be a graduate student—and increasingly today, we're bringing people back out of the workforce into advanced study who have families. Making do on the kinds of money that we give them is terribly hard.

1200

Mr Cleary: I wish you well. My colleague's got some questions.

Mr Bruce Crozier (Essex South): Mr Ryan, thank you. It's a pleasure to have you here this morning. My questions will be brief, I think. When an award is given, do you simply write a cheque?

Dr Ryan: I'm not sure I know enough about the technical workings of the ministry system to answer that question.

Mr Crozier: This relates, in this area of awards, as well as it was spoken to by one of the members opposite about student loans and the cost of university education and so forth. What disturbs me, and I guess maybe not in your position as chair but in your position with the university, with either student loans or grants or scholarships is that—and I think it's a very few, but I travelled home the other night and met a young man who is going to university. He was travelling off to Michigan to meet some friends and he said, "Well, you know, you've got to use your student loan somehow." Then we hear, I think very few, but these stories about, well, the \$11,000 bought the car or whatever.

Should we, and if we should, is there any way that we can be sure the public money that's contributed towards these types of disbursements goes to either the educational institution or it goes for the support of a family or whatever? Is that a concern of anyone besides me?

Dr Ryan: I think it's a real concern. It really concerns me, not only as a faculty member but as a taxpayer, to hear stories like this, and occasionally I encounter them too.

Normally, the students I see talking like this, my sense is they're tremendously immature. In fact they're taking the money intended for one thing and doing something quite different with it, and in the end they don't have the money to pay for what they need the money for in the first place. So it's not as if they don't need the money. They in fact need it. They just spend it on stupid things.

But I think that's, as you point out, a very small percentage of the students, and I don't know how one can clear all of those out without getting tremendously heavy-handed on the policing. My sense is, the OSAP people at the university who do the screening and so on do a very good job on the whole. There will always be some folks who get by them, and I think there has to be a rigorous attempt made to collect loans that are not being repaid either. Failure to collect those loans is simply hurting other students, and I think we have to be very serious about that.

The Chair: Thank you, Dr Ryan, for your appearance before the committee this morning.

The Chair: Now, members of committee, we have some committee business to complete. Just before we go to the subcommittee report, I would like a motion to approve the appointments from this morning. Moved by Dan Waters. Do you wish to vote on them individually or all three of them together?

Mr Waters: I don't see any need to break them up.

The Chair: That's fine. All right, then we are moving the appointment of Mr Bob Saracino as a member of the Ontario Civilian Commission on Police Services, Mr Stanley Sadinsky as member and chair of the Ontario Racing Commission, and Dr Bruce Ryan as the chair of the Ontario Graduate Scholarship Selection Board. All in favour of that motion? That motion is carried.

SUBCOMMITTEE REPORT

The Chair: You have before you the subcommittee report, and just before we start it, I want to draw attention to the fact that in your packages for today's meeting

you already have a document prepared by Mr Pond with regard to the Ontario Council of Regents for Colleges of Applied Arts and Technology.

This is an important document for the committee members to read and maybe discuss with your individual caucuses, because it contains a summary of the recommendations that came out of listening to the deputations before the committee on the subject of the Council of Regents. So you would want to read this document and discuss it before coming to the meeting on the 23rd, when you're going to give direction to Mr Pond to write the report. I'm respectfully suggesting that this is a very valuable tool to enjoy in the next two weeks.

Our clerk is asking me to read the subcommittee report into the record, and I always do what I'm told. It's the report of the subcommittee of today, Wednesday, November 2, 1994:

"Your subcommittee met on Wednesday, 2 November 1994, to consider future business with respect to the committee's reviews of the St Lawrence Parks Commission and the Ontario Council of Regents for Colleges of Applied Arts and Technology, and the selection of intended appointees for committee review.

"1. St Lawrence Parks Commission:

"Your subcommittee recommends:

"That David Warner, superintendent, St Lawrence Islands National Park, Parks Canada, be scheduled at 11:30 am on Wednesday, 23 November 1994 for one half-hour;

"That no new witnesses be invited before the committee, and the St Lawrence Parks Commission and OPSEU not be scheduled before the committee again until the report on the review of the St Lawrence Parks Commission by Management Board of Cabinet has been received;"

I'm not sure that this is worded quite correctly. I think the committee decided that no new witnesses be considered to be invited before the committee. I think you wanted to leave it open about who you might want to have come back after the report comes back. Am I correct, Mr Waters?

Mr Waters: I concur with that, Madam Chair, but indeed I also think that it would tie our hands. We wanted to leave that sort of open so that the next paragraph would depend—if indeed the Management Board review was going to take a long period of time, I think Mr Cleary and myself and Mr McLean all agreed that might shed new light on it and we might want to have them back in advance to resolve some of these issues.

The Chair: Why don't we just eliminate that paragraph, the second paragraph of item 1, and then we're not making any comment about new witnesses or who comes back or anything, just eliminate it?

Mr Waters: Yes, I agree.

Mr Curling: Would that give us the opportunity to have witnesses come before us?

The Chair: It leaves it continuous and open, and also who you would want to have would be left open.

"That the Chair of the committee write a letter to

Management Board of Cabinet with respect to the review," and we haven't mentioned the review yet, so we'll have to remove that. This will have to be reworded.

The committee did discuss the fact that we were informed that a review was being conducted by the Management Board of Cabinet, and with respect to that review the committee has asked the Chair to write a letter to the Management Board "requesting the parameters and time frame of the review and who is preparing the investigation, and requesting that the reply be received within one week." We also wanted to include some of the letters that we received and the excerpts from Hansard which will clearly indicate to Management Board what information was brought before the committee.

1210

"2. Ontario Council of Regents for Colleges of Applied Arts and Technology:

"Your subcommittee recommends:

"That at 10 am"—until 11:30 am I'm adding in here—"on Wednesday, 23 November 1994, the committee provide direction to David Pond, research officer, regarding preparation of the report on the Ontario Council of Regents, and that the committee schedule a meeting on Wednesday, 30 November 1994 to review the draft report.

"3. Your subcommittee recommends that the review of Peter Gallant, intended appointee as member of the Ontario Council on University Affairs, be postponed pending notification of the results of his election to the position of rector of Queen's University and his eligibility to serve on the council should he be successful in the election.

"4. Re: certificate of 12 October 1994:

"Your subcommittee recommends that the following intended appointees be selected for review:

"Selection of official opposition party:

"Agency: Ontario Development Corporation.

"Name: Roy G. Steel.

"Time recommended for consideration: one half-hour.

"Date for consideration: 16 November 1994.

"Selection of third party:

"Agency: Custody Review Board.

"Name: Roger West.

"Time recommended for consideration: one half-hour.

"Date for consideration: 16 November 1994.

"Selections of government party"—none selected?

Mr Waters: It's because of the way it's worded. It's fine. Keep going.

The Chair: "5. Re: certificate of 21 October 1994.

"There were no selections from the certificate of 21 October 1994"—

Interjection: Just say "or the 27th."

The Chair: Or the 27th.

Interjection.

The Chair: Well, I think I'll read it as it's printed.

"6. Re: certificate of 27 October 1994.

"Your subcommittee recommends that the following intended appointees be selected for review:

"Selections of the official opposition party," and, "None were selected because they had already made their selections" is the way I think it should be worded, and therefore there were two remaining selections to be made by the government party.

If we're doing this on the record, we might as well explain that there are four selections made every time and we rotate the extra selection to each party in turn.

The agency selected by the government party is the Financial Disclosure Advisory Board, and the name is Patricia Meredith.

"Time recommended for consideration: one half-hour.

"Date for consideration: 16 November 1994.

The second one, the agency is the Public Service Grievance Board.

"Name: Sig M. Walter.

"Time recommended for consideration: one half-hour.

"Date for consideration: 16 November 1994.

Mr Curling: I had a point to raise. In the first paragraph you say that your subcommittee recommends that David Warner come before the committee for half an hour. I don't know if he's making a statement when he comes, because what it leaves us is three minutes to ask a question.

The Chair: It's a good point, and I want to advise committee too that Mr Warner is someone we did try to schedule when we were in Cornwall, and he wasn't available at that time. He is a regular deputation and we were giving half-hour deputations to everyone. He will be advised by the clerk to keep his presentation to a maximum of 15 minutes, which is the advice we gave everybody, and then it's five minutes per caucus for questions.

Mr Curling: But I find now on this situation in the St Lawrence Parks that has come to be quite a concern, that really five minutes for—

The Chair: No, but he is not with the St Lawrence Parks Commission; he's with Parks Canada. They do have some property in that area and we wanted to hear from him, but he's not with the St Lawrence Parks Commission.

Mr Waters: Yes, and he's also not David Warner, MPP. It is somebody totally different.

Mr Curling: We know that.

Mr Waters: So I don't see why he should be treated any different than any other deputation.

Mr Curling: Don't get panicked about it. My feeling was that—

The Chair: No, they were here. They know that it isn't David Warner, MPP. But the thing is—

Mr Curling: My concern is, and again you can accept

or reject it, I do find that half an hour when people make statements of 15 minutes, to give any one of us five minutes, we find we don't get adequate time to do a proper interview.

The Chair: Public hearings normally are conducted with half-hour interviews. In fact sometimes they're 20-minute interviews, and the individuals who came before the committee in Cornwall got 15 minutes each to make a presentation. But I'm talking about individuals in terms of staff who came before us when we had a request at the end to have a lot of people added. We gave them 15 minutes in order to include them all.

Everybody else other than the commission itself and OPSEU, I think, all had hours, but other organizations, the camping associations, the chambers of commerce, the municipal councils, everybody else had half an hour. This man is representing Parks Canada, which is a property owner in the area, and I think half an hour is appropriate for him, because he can't address the concerns that have been raised anyway because he's not with the parks commission. Am I summarizing it correctly?

Ms Carter: That's fine.

Mr Waters: I would move concurrence of the report, as altered by you, Madam Chair, when you referred to section 1 of the report.

Mr Cleary: I was just wondering when are we going to get the rewording on a couple of paragraphs there.

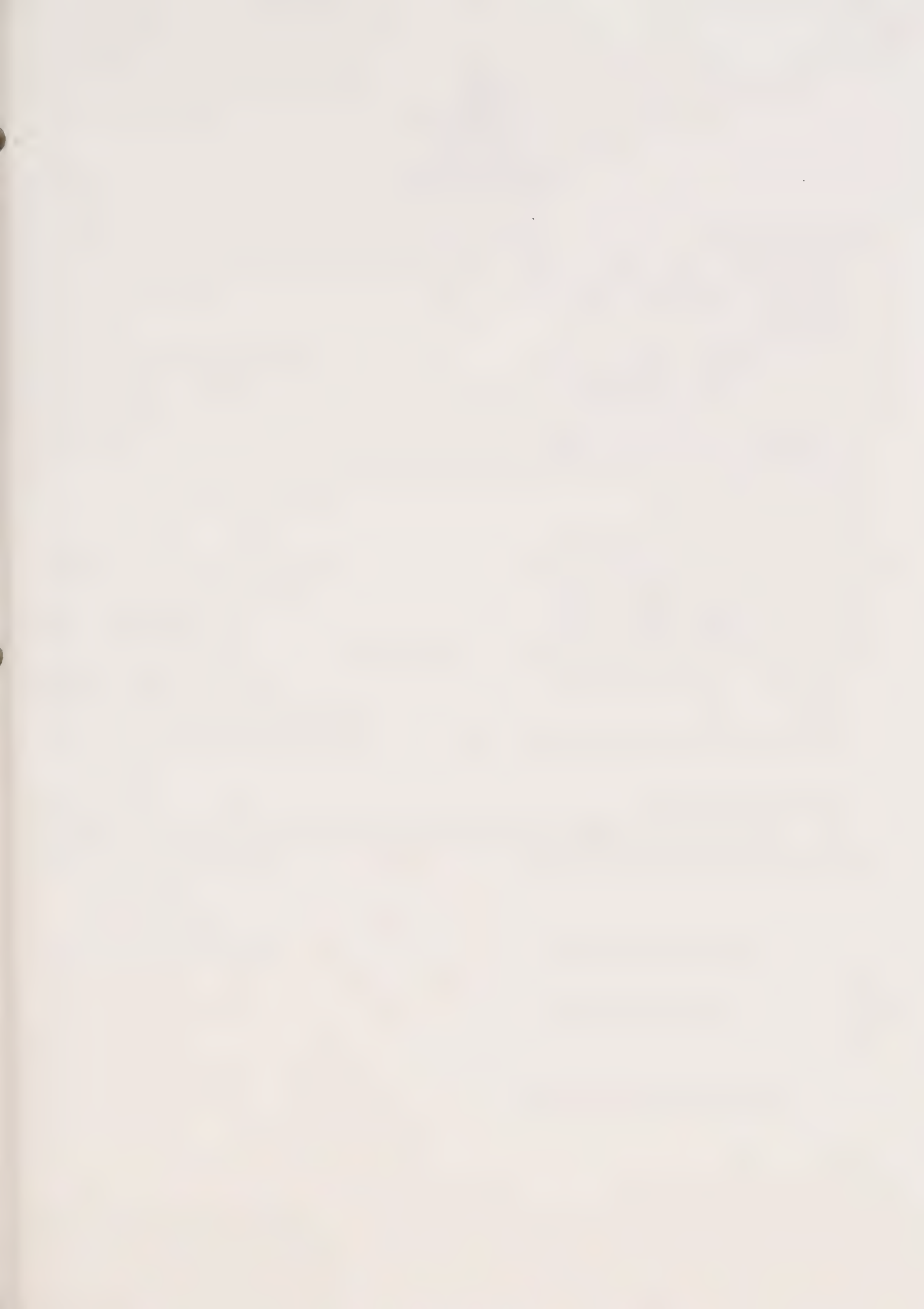
The Chair: If you like, we can have the clerk fax it to your office this afternoon. Are you not willing to approve it with the rewording that I put on the record? I'll tell you what we can do. Let's move a motion to approve the subcommittee report now, and if there is a major concern when you get the draft, just advise me and the clerk and we'll change it. We all know what we wanted to say.

Mr Curling: May I make a suggestion? I just feel that, to clarify really, I think the concerns were raised and it's okay. I think you targeted the concern and I think you would get the wording now. You're the one who would pick that up because we here had that concern and you picked it up then, so we're quite confident and comfortable with the fact that the rewording will address all concerns.

The Chair: That's fine. We have a difficulty because the committee is in the process of reviewing two agencies right now with COR, the Council of Regents, and the St Lawrence Parks Commission, and we have four meetings before we recess. I would like to see the committee complete its work, if possible, before we recess again. I don't have any further business. Does anyone else?

So the motion does carry to approve the committee report as recorded on Hansard? All right. That's all in favour. Thank you, the committee stands adjourned.

The committee adjourned at 1218.



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- ***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
- *Carter, Jenny (Peterborough ND)
- *Cleary, John C. (Cornwall L)
- *Crozier, Bruce (Essex South/-Sud L)
- *Curling, Alvin (Scarborough North/-Nord L)
- *Frankford, Robert (Scarborough East/-Est ND)
- *Gigantes, Evelyn, (Ottawa Centre ND)
- *Harrington, Margaret H. (Niagara Falls ND)
- *Malkowski, Gary (York East/-Est ND)
- *Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Also taking part / Autres participants et participantes:

McClelland, Carman (Brampton North)

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service



Legislative Assembly of Ontario

Third Session, 35th Parliament

Assemblée législative de l'Ontario

Troisième session, 35^e législature

Official Report of Debates (Hansard)

Wednesday 16 November 1994

Journal des débats (Hansard)

Mercredi 16 novembre 1994

Standing committee on
government agencies

Comité permanent des
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Wednesday 16 November 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mercredi 16 novembre 1994

The committee met at 1004 in room 228.

REVIEW OF INTENDED APPOINTMENTS

SIG WALTER

Review of intended appointment, selected by government party: Sig Walter, intended appointee as member, Public Service Grievance Board.

The Vice-Chair (Mr Allan McLean): This morning we're dealing with intended appointments. Mr Walter, you have the opportunity to make an opening statement, or we can go right into questions, whichever you would like.

Mr Sig Walter: Thank you very much for the opportunity to meet with you. I have not before been before a standing committee, so if I'm a little off procedurally, I'm sure you'll reign me in.

The appointment, as I understand it, is to become a member of the Public Service Grievance Board. My assumption is that this committee would like me to address the skills and competencies I will bring to that position, and if it's all right, I would like to make a brief statement, a summary, as to my background.

The Vice-Chair: As long as it's brief. We have an half-hour review, and we usually split it 10 minutes for each party. Whatever time you use will come off of that.

Mr Walter: I won't be long at all. Central to the committee maybe wanting to know what my background is, specifically in industrial relations and dispute resolution, I headed up the industrial relations division for the province of Saskatchewan with responsibility for the mediation services. I did that over a 10-year period, and in the context of that, was personally involved in approximately 300 labour disputes touching on all sectors of the economy: mining, construction, hospitals, police, fire—that sort of background.

In addition to conciliation and mediation experience, I've acted as chair of approximately 100—it's probably a little bit less than 100—rights arbitration boards. I'm proud of the fact that when I did this, all appointments were made by the mutual consent of parties, meaning the employers and the unions involved. I did not at any time accept appointments through government. All of it was done either through collective bargaining or mutual consent of the parties.

I'm familiar with administrative tribunals, procedure, rules of evidence, listening to witnesses and judging cases objectively on their merits.

I think, in a nutshell, that gives you a very brief overview of the kinds of things I bring to the table.

The Vice-Chair: The government party is first.

Ms Jenny Carter (Peterborough): You have touched on the fact that you have considerable experience relevant to this position. Is there anything you would like to add to that? I understand that you have had considerable arbitration experience.

Mr Walter: Yes, I have. As I've indicated, I have done a little bit less than 100 rights arbitrations, again in virtually all sectors of the economy—construction, hospitals, police, government, public sector, municipalities, this sort of thing—and in the course of doing that I've had to gain the knowledge of arbitral jurisprudence, procedural matters, as well as the rules of evidence.

Ms Carter: In this position you will have to balance the positions of the management side and employees in order to make appropriate rulings. Could you tell us something about how you would do that?

Mr Walter: As I understand it, and I stand to be corrected, the jurisdiction of the Public Service Grievance Board is derived out of the Public Service Act and the attendant regulations. Certainly that is where the board derives its jurisdiction from. In keeping with that, there are policies within government, and there are also rules of law as they relate to, for example, dismissal or disciplinary matters, that I would hope and believe any board must apply when assessing the evidence that's brought before it and make a ruling that's appropriate, governing all of those factors.

Ms Evelyn Gigantes (Ottawa Centre): There are two areas of your past experience that I'd be curious to know more about. One is your work with the WCB here in Ontario, and also your familiarity with public sector issues generally that would touch on the work you're about to do here in Ontario.

Mr Walter: I think honesty is a good quality and, for those who know me, I'd like to believe I'm a man of integrity and principles and honesty. Having been in Ontario for a period of three years, a little more than two of which were spent at the WCB, I would not want to misrepresent my complete and utter understanding of all of the sensitive issues that may be present in the province of Ontario.

However, I would suggest that, after having done 100 arbitrations and probably 300 sets of negotiations, I'm acutely familiar with contractual obligations and, I would hope, rules of law that govern administrative bodies. This does not suggest that one ought not to be sensitive to the issues in a broader setting in the province. However, I do believe, and I firmly believe, that an adjudicative body

such as this board is required to go by legislative base and policy base, as well as legal precedent or precedent that has been set in this province. I would not readily want to make decisions that might be viewed as being solely or even partially sensitive to larger issues if in fact by so doing you're contravening the concept of appropriate adjudication under the law. I hope that wasn't too lengthy an answer.

1010

Ms Gigantes: That's a very helpful answer. Could you tell us something about your work at the WCB and essentially why you left the WCB.

Mr Walter: I was the senior vice-president in charge of human resources and client appeals, with a number of attendant duties or duties that were added, quality management being one of them, a corporate quality management initiative. I spent two very vigorous years at the WCB. Without my going into all the nuances of that organization, which I'm sure all of the committee members here may have opinions on, I entered into that task I hope as a professional and I believe as a professional.

I felt that the Workers' Compensation Board was in need of intervention. Through my office and certainly my own sense of the situation, I attempted, to the very best of my ability, to initiate changes within the board. I'm speaking directly about the human resources function as well as the client appeals area in particular. I will reserve comment as to how that may or may not have been perceived broadly. Suffice it to say that after approximately two years I made a decision that, as I put it to the board, it was time for me to examine other career opportunities.

I'm not here to malign the Workers' Compensation Board or the administration, but I can confirm that I formulated certain opinions as to how things were working at the board. I have an acute sense of professionalism, and I made a determination that for my career path it may be timely for me to examine other opportunities.

Ms Gigantes: When you look at the task in front of you, you'll be dealing not with employees in bargaining units but the non-bargaining-unit employees in whatever appeals come before you. What difference will that make in terms of your approach?

Mr Walter: I don't believe it should make any difference. There will be, I'm sure, some procedural differences. There will be differences in terms of the legislative base versus a collective agreement base. I mean, there are legislative considerations in rights arbitration. In this particular case, I see it as more legislatively based and policy-based within the government. To answer your question directly, I don't foresee a significant difference in terms of arriving at appropriate decisions. Procedurally there may be some difference.

Ms Gigantes: Mr Chair, I understand that the curriculum vitae we've been provided with about Mr Walter indicates you were senior vice-president, human resources and client appeals, at the WCB from October 1992 to October of this year?

Mr Walter: No, that is absolutely incorrect.

Ms Gigantes: Right. That's why I raised it.

Mr Walter: Surely my résumé doesn't reflect that.

Ms Gigantes: Well, what we have before us has that information.

Mr Walter: No. To clarify that, I resigned from the board—I actually left the board the last day of April of this year.

Mr John C. Cleary (Cornwall): Welcome to the committee. How did you find out about this opening? Were you approached?

Mr Walter: Yes, I was.

Mr Cleary: May we ask by whom?

Mr Walter: It was the public appointments secretariat.

Mr Cleary: What is your understanding of the role you may play when you become a part of that board?

Mr Walter: Frankly, it hasn't been clarified for me, but what research I've been able to do is that I am being appointed as a member of this board and my job will be to sit in hearings and listen to the evidence of people who feel aggrieved and to participate in the decision-making process as to what the final outcome is.

Mr Cleary: So you are comfortable with that? You feel you have a lot to offer.

Mr Walter: It may sound brash to put it to you this way, but I feel very comfortable in terms of the competency that I believe I bring to this particular position.

Mr Cleary: My colleague has a question or two. I wish you well. You have a lot of experience and I'm sure you'll have a lot to offer.

Mr Walter: Thank you very much.

Mr Bruce Crozier (Essex South): Mr Walter. I had several questions which have now been answered, and I appreciate the fact that you are very discreet about how and why you left the Workers' Compensation Board. I'm sure you could add to some of the advice many of us would like to have with respect to it.

I just want to correct what might be the way it's presented, but in your career summary, under areas of employment, there's 1976 to 1982, then 1983 to 1985 and then 1986 to 1992. There are year gaps in there.

Mr Walter: Actually, there are not. A number of these things ended December 31. If I may, I'll give you just a brief update on this.

I left government in I believe it was December 31, 1983. There were a number of reasons why I left government at that time. I had been in the trenches doing an awful lot of labour work, at times handling something like 13 sets of negotiations at one time, and bluntly put, I was actually considering a career change at that point in time.

I left government and suddenly the phone began ringing: Would I be prepared to chair arbitrations, could I do some consulting work, and so on. I began doing that. After doing that for a brief period of time, I received a telephone call from the then owner of a company called Westank/Willock, which is a transportation manufacturing company that had some really quite severe labour problems and asked me if I would consult to the company. It

subsequently turned into a vice-president position. I indicated at the outset that I did not want to make that my life's work. I'd like to believe I cleaned up the problem. I then went back to doing arbitration work and some consulting work up until the time that I came to Ontario.

Mr Crozier: Could you just help me a little, define a little more clearly what client appeals is with the WCB?

Mr Walter: Certainly. Client appeals is basically three areas: decision review, the hearings branch and the re-employment branch. This is the arm of the board where if an injured worker felt aggrieved at front-line adjudication—in other words, that the adjudicator failed to make what they deemed to be an appropriate decision—the worker, or an employer for that matter, had the right to come before decision review to have their case heard. Failing a satisfactory conclusion at that point, it would go up to the hearings branch and, if there were still no resolution, it would go to WCAT.

Mr Crozier: And you were where in that process?

Mr Walter: I was the vice-president in charge of the appeals area.

Mr Crozier: The adjudication part, not just the employee part?

Mr Walter: No. Just for clarity, there was a vice-president in charge of what is known as client services, which is effectively front-line adjudication. I had responsibility for the human resources end and the client appeals end; that may appear like an odd combination, but it was sort of suggested that this is placing it into somewhat neutral territory, away from the client services area. The directors who were responsible for each of those three components—decision review, hearings and re-employment hearings—reported to me.

Mr Crozier: Thank you, sir, and I wish you well.

1020

Mrs Elizabeth Witmer (Waterloo North): Mr Walter, obviously there are numerous questions I would like to ask you concerning the WCB; however, I shall refrain.

Mr Walter: Thank you very much.

Mrs Witmer: Maybe at another time, another year, we'll have that discussion.

Anyway, I'm quite impressed with the résumé you have presented to us and I have no doubt that you have the competence to serve extremely well on this board.

I just want to take a look at the amendments that were made in 1993 to the Crown Employees Collective Bargaining Act and the Public Service Act. Those changes gave the civil servants the opportunity to engage in political activity. Do you think that as a result of some of those changes there will be some increase in the workload of the board? What impact will those changes have, I guess is what I want to know.

Mr Walter: To give you a very straightforward answer, I really don't know. That's a truthful answer. That it will have no impact I think might be an overstatement. As I look at the situation in Ontario and elsewhere, my best guess is that, given the uncertainty that many

people are sensing in the workplace, not only in government but all over, people will potentially be more forthcoming with what they may deem as threats to their employment, whether it's discipline or classification issues. In that context, I would not be surprised if there was an increase. That's a guess.

But in so far as the amendments are concerned, I genuinely don't have a good handle on it. I'd be surprised if there were a lot of grievances arising out of that. Perhaps I don't understand it enough at this point.

Mrs Witmer: And perhaps it's too early to clearly understand the implications.

Do you think the Public Service Act does give adequate protection to the non-unionized employees?

Mr Walter: As a potential board member, this is an extremely delicate question for me to answer for you. In reading the Public Service Act, is there possibility for fine-tuning, for doing more? I would suggest, not unlike collective agreements, depending on which side of the fence you sit on, there's always room for improvement. If you ask me specifically where are those areas of improvement, I would suggest that I'd prefer not to answer today. I really haven't formulated that kind of an opinion.

Mrs Witmer: I can appreciate that. That's all I have. I just want to wish you extremely well in this position.

Mr Walter: Thank you very much.

The Chair (Mrs Margaret Marland): I think that completes all the caucus questions. I'd like to thank you very much, Mr Walter, for your appearance before the committee this morning.

Mr Walter: I appreciate the opportunity.

ROY STEEL

Review of intended appointment, selected by official opposition party: Roy Steel, intended appointee as director, Ontario Development Corp.

The Chair: We welcome you to the committee, Mr Steel. This is a selection of the official opposition, the Liberal Party.

Mr Alvin Curling (Scarborough North): It's quite an important corporation you will be serving on, and your qualifications are actually quite befitting to the contribution I think you can give to this corporation.

One of the concerns, as you know, of the public and even of the opposition, to be right up front with you, is the role of the corporation and how effective it could be. Although you're coming into the job pretty new, so to speak, professionally you're not coming into the job new. Do you think the corporation is being effective or could be more effective in its role?

Mr Roy Steel: I would say you're correct that I'm coming into the situation not new but coming into the position on the board new. I haven't had that much of an opportunity to assess the effectiveness of the corporation. However, I do believe it plays a significant role in filling the gap in terms of where the normal private sector banking leaves off and where businesses, particularly small and medium businesses, need additional help.

I see that this is changing, because as businesses

structure towards becoming less asset-driven and more knowledge-software-idea-driven, there's less that traditional lenders can find on which to lend money. I think everybody is trying to come to grips with responsible approaches to be able to lend and assist businesses during a period of time when there are very few assets, or no tangible assets, for the business. That's one area where I think the corporation can play a role and can provide a supporting position.

Mr Curling: The role it can play is of course extremely important in regard to small businesses, especially in a time like that just past, a very tough recessionary time. But in the meantime, there are complaints that the losses the ODC has encountered, writing off some of the funds it advanced to companies, are quite large. I presume there are many things they can do better; I'm talking about the ODC—or some policies.

Do you think you'd be in a position while on the board to make recommendations to the government to better serve that community, and especially as there were so many losses that had to be written off with business not responding and paying back some of its contributions. Do you feel you'd be in a position to, or is it your understanding that recommendations could be made to the government on how it could do it better or be more sensitive to that community?

Mr Steel: There are two questions there. The first one is, would I be in a position to make recommendations to the board and the corporation and, presumably through the board, to the government.

I'd say yes. As I get some experience with the board and as I fully understand more of the situation—right now I'm a newcomer; I'm not there yet—I would feel confident that, yes, I could probably develop recommendations. What they would be at the moment, I don't know.

The other concern was about the loan-loss ratios, and I don't know yet what the answer to that question would be. The corporation is operating in a higher-risk area. It's an area that advances funds and funding and support to corporations and to small businesses after the traditional lenders have left off.

Consequently, I would expect that it would have a higher loan-loss ratio than, say, one of the banks. Whether it's too high, given the relative risk, I don't really know at this point. The easy way to reduce a loan-loss ratio is to not make the loans, and that may be counter to what you want to accomplish with the corporation. We could get it back to the same loan-loss ratio as some of the other banks.

But let me at the same time comment to you that the banks, in their corporate lending area and medium-size business lending area, have had significant loan-loss ratios in the last 10 years, much to their chagrin. It's all part of the same economic wringer that we've all just gone through together.

1030

Mr Crozier: Welcome, sir. I note in the information we were given that one of the responsibilities of the board of directors is to review the long-term and annual

financial plans of the corporation. Just to expand a bit on what was asked, when it comes to the funding the board has, I notice that since 1991 the ministry funding for operating and capital has decreased substantially, by about a third. Would you feel, as part of your responsibility, the effort to either maintain or increase that funding? If so, how does that relate to your feeling of how the ODC should be involved in development in Ontario?

Mr Steel: The level of funding I think has to take priority with the many other priorities of the government. Consequently, it has suffered a decline, like probably everything else. I guess the purpose is to make the best use of the resources we've got in order to help as many people as possible and to help them responsibly recover the money so we can reuse it again—those types of things.

It would be hard to make a claim that we ought to double the amount of money coming to the ODC, in my opinion. That has to take priority with many other things, and government has to—basically, you have to—make that determination as to where you're going to allocate the funds. It seems to me that we've got to do the best job we can with what we are able to get.

Mr Crozier: Does that mean you wouldn't be an active advocate of more funding if you could see that there was a benefit to be derived from it? Would you simply say, "The government can only give us X number of dollars; therefore I'll keep quiet about it"?

Mr Steel: Would be passive in the matter? No, as you see a number of individual cases, you really have to separate those and start to see where the trends are going and identify whether it makes good economic and political sense for the government to fund additional things. I have no hesitation about being an advocate of additional funding, but I've also got to be realistic to realize that that has to take precedence over many other things. We may not get all we ask for, but that doesn't stop us as a board from going for not only what additional funding we think would assist the aims of the board but also what would be responsible, I think.

Mr Crozier: I appreciate your answer to that.

Mr Allan K. McLean (Simcoe East): Welcome to the committee, Mr Steel. How did you find out about the vacancy? Was it advertised? Did you make application for it?

Mr Steel: I was asked by one of the board members if, now that I was retiring, I would submit my name to be considered, I think with other names, for a position on the board. I did that last April.

Mr McLean: How much time do you think this is going to take? Is it a full-time job, or is it part-time? What is your observation?

Mr Steel: My understanding is that as a board member it's probably equal to about two days a month. If there's involvement in additional committees or additional specific initiatives of the board, sure, that would take additional time. No, it's not full-time. I wouldn't expect it.

Mr McLean: Could I have your assessment of the corporation's write-off of loans? At 5.9%, it seems rather

high. Would you deem that to be a high percentage of write-offs? Frances Lankin seemed to think it is.

Mr Steel: As I mentioned earlier, the corporation is in a higher-risk loan area. It is taking more risk and it is stepping in where other lenders leave off, so I would expect a higher loan-loss ratio. What the percentage should be relative to the risk, I don't know at this point, but it's twice some of the commercial bank rates for commercial lending in this same area. Yes, it's higher, but whether it's too much higher, I don't know.

Mr McLean: Mostly, large companies or large establishments that employ a lot of people are the ones that seem to qualify. However, there are a lot of medium and small businesses out there that feel they should also qualify that appear to have a problem to get the approvals. Most of them have to have a guarantee from a bank to get the ODC loans. I'm wondering what your opinion is about maybe opening it up a bit for the smaller businesses, to make it easier for them to—

Mr Steel: There were about 2,000 direct loans out, plus the guarantees; therefore, I would've thought there was quite a wide dispersion of the loan funds. I don't know the details of the makeup of the loan portfolio. What may be evident is that some of the higher-profile, the Algomas, for instance, which are not in the loan portfolio—the Algomas are administered separately under four other ministries. If you take those aside, you've got quite a spread of other small businesses.

The ventures fund, which is limited to \$15,000 for starting new ventures, is probably a good door opener for people just getting under way in terms of starting a new business. It's basically to contribute towards the seed capital that people need to get going.

Mr McLean: Would you perhaps consider doubling that seed money from \$15,000 to \$30,000 for a small business? Not many businesses do you start with \$15,000. Would that be something you would be willing to discuss, to perhaps double that?

Mr Steel: What the right number is, I'm not sure, but discussing the concept, yes, of course.

Mr McLean: I notice in your résumé that you were the one who kind of established the insurance board and insurance program in British Columbia. Were you ever asked by the government here for your views and observations on what would happen if we did that in Ontario?

Mr Steel: Yes, to this extent: Our firm that was going at the time, a consulting firm, was one of several advisers to the Insurance Corp of British Columbia in getting it started and under way. We were asked to prepare a proposal to assist the proposed corporation here in Ontario in the same way. We did not win that proposal, and I'm not sure how far the work had progressed.

Mr McLean: You're not sure why it didn't proceed either.

Mr Steel: No, I wasn't.

Mr McLean: Anyhow, I wish you the best, and thank you for coming before us today.

1040

Ms Gigantes: Mr Steel, I think the only person who's

sure of any questions of that magnitude is Thomas Walkom. He knows everything.

I'd be fascinated to know, with the kind of rich background you have in financial management and financial consulting, 34 years of that kind of work, what interests you in taking on a post in helping decide where ODC lending should go?

Mr Steel: That's an interesting question. Being in one of the larger professional service corporations or partnerships, we're quite restricted in terms of the activities we can undertake outside of that because of the independence rules. Consequently, with retirement, I'm now much more free to be able to become a board member, be a member of a group of people who have to come together and thrash out the direction these corporations are going, the ODC particularly, and how to operate and how the governance works with the staff and with the various parties who have a stake in the company. It's being part of that that I find quite interesting. It's also a very interesting and exciting board of people. There are a lot of good people on the board, and just being able to work with these people I thought would be quite interesting.

Ms Gigantes: So essentially you're looking for what you think will be a pleasurable and interesting experience?

Mr Steel: Yes, but there are going to be some tough decisions ahead. There's no question about that.

Ms Gigantes: I admire you for being willing to take it on.

I was interested in your opening comments in response to earlier questions about the new ways of assessing the value of companies and the move that needs to take place now in financial thinking as the value of companies relates less to their physical assets and more to their intellectual properties and potential. I wonder if you could tell us a bit more about your thoughts in that area.

Mr Steel: I don't think any of us has a handle as to what the right answer is. Everybody has to steer a line between being able to assist an organization that has no, I guess, seizable assets when things get tough, and being responsible with the supplier of money, whether it's a depositor, whether it's the government or wherever the funds come from, pension funds or whatever. Steering the right line and determining how much risk you can afford to take is an important part of it.

Part of what I think is changing is that because more and more businesses, particularly the successful businesses, the growing businesses, have less and less in the way of hard assets, consequently, I think what we're starting to see is really a shift from loans towards investment. In other words, while you'd like to make a loan because you'd like to get it paid back, what you're really doing is making an investment because you're going to be there a long time.

Consequently, some of the criteria for assessing businesses from an investment point of view may make more sense than from a loan point of view; that is, the quality of the idea, the quality of the market, the characteristics and the capabilities, particularly the commercial capabilities of the management and the individuals who

are trying to take an idea, commercialize it and make some money out of it, and consequently the recognition of those people that there is a commercial element to what they must do.

All of those are what used to be referred to as the soft criteria for assessing loans or assessing operations. Really, they are becoming the hard criteria now, and what used to be hard, like real estate, has gone very soft. Our bases of criteria need to shift, but we're not quite sure how we're going to get it right yet. I think we're facing a fundamental shift.

Ms Gigantes: I asked you about intellectual properties, but it is, as you say, even more closely related to the particular capabilities of the people involved in a firm and whether they're going to stay with their capabilities.

Mr Steel: Yes, and whether they have the capability of taking an idea and making a commercial success of it. It may not be high-tech, because as more of the economy moves towards a service sector, even somebody who wants to open a flower shop still needs the same capabilities, and you need to assess that person's capability of making a commercial success of it. As I say, we haven't got it right yet. We're all trying to figure out how to do it.

Ms Gigantes: I wish you well, on our behalf, as you create new rules for this kind of game.

Ms Carter: Thank you and welcome to the committee. I would like to connect what you've just been discussing with the question of banks and their loans, and you've already said that the ODC takes over where the banks leave off. It seems to me, certainly from my own experience as an MPP and seeing what goes on in my own riding, that banks have backed off recently and that part of the recession, the lack of employment and so on, has been due to their unwillingness to grant loans. This may be partly because of what you've been discussing, that we're looking now at more intangible assets than we were in the past.

I'm just wondering whether there's anything we can do to get banks back into the field doing their share so that boundary as to where the ODC would take over would move back perhaps to where it should be rather than leaving the ODC with too much of the field because the banks are unwilling to make loans these days. Maybe the banks need different criteria for assessing who is a good loan risk and who isn't. If so, is there anything we could do about that?

Mr Steel: When I say none of us has found the answer to this dilemma of small businesses with no assets, the banks are searching as much as anyone else, because of course that is the area of growth within the economy: the formation of new businesses and small businesses and medium-sized businesses. Consequently, if the banks are going to survive in the commercial sector in the longer term, they have to be good in that area. While they may be backing off—I don't really know that from personal experience, but I know in working with some of the banks that they've been really burned with some big loan losses, and in order to get their balance sheets back and keep the stock analysts and the shareholders off their back, they've been more cautious

about a lot of lending, large as well as small, I would think.

That is one area where they certainly are looking for the right answers to get back. I shouldn't say "get back," because I'm really not clear that they've all vacated the area, but they are looking there. A lot of the things the ODC is doing, if it does it in partnership or with the banks, dovetail loans or participating in loans of one sort or another, I think there are lots of ways we can help support the proper businesses.

Ms Carter: In particular, the banks do seem to have been shy of small-scale loans. I believe they justify that by saying it's too much administration compared to the amounts of money involved. Yet when we look at, for example, things that happen in Third World countries, sometimes it's very tiny loans that can make all the difference to a society and lead to growth and actually not be a risk to the lender to any significant degree. Do you have any thoughts on that?

Mr Steel: Is your question related to the Third World or is it apropos of—

Ms Carter: Sometimes things that work in the Third World have some lessons for what we should be doing here. Although we see ourselves as very prosperous, we nevertheless have a lot of problems and a lot of people are left out of that prosperity who, if things were organized differently, might be able to come in and make their contribution.

Mr Steel: Sure. In the Third World, many of the massive investments have been less than successful, to be polite about it.

Ms Carter: They've been megaprojects instead of the small ones.

Mr Steel: Yes. Smaller ones can work and can make more of an impact, of course. Should we be doing that? If I went back to the concept of the new ventures fund where you've got a small amount of seed money to get things started, that's in the nature of that concept. There's a concern, of course, that when you do that, you have high loan losses. Again, trying to find the right, appropriate and responsible balance is the sort of thing we really need to do, and I don't know where the numbers should be.

The Chair: We're out of time. Thank you, Mr Steel, for being here this morning and appearing before the committee.

1050

PATRICIA MEREDITH

Review of intended appointment, selected by government party: Patricia Meredith, intended appointee as member, Financial Disclosure Advisory Board.

The Chair: Our next intended appointment interview this morning is Ms Patricia Meredith.

Mr Daniel Waters (Muskoka-Georgian Bay): Good morning, Ms Meredith. I'm the person who selected you. I'm more curious about the Financial Disclosure Advisory Board than about you. Obviously, you have a set of credentials that no one could argue with in terms of your credibility and being able to do this job. But I understand

that there has been a change. The information we got from the public appointments secretariat said you were a senior executive with CIBC, and you have an update on that.

Ms Patricia Meredith: At the time they put my name forward, I was senior adviser, strategic initiatives, and really worked as an adviser primarily to the two presidents. We have a retail bank and a wholesale bank; that's the way that we operate. I was an adviser to the two of them on the development of strategy within the bank. On November 3, I was appointed an executive vice-president of the bank and I now sit on the senior management committee of the bank and am responsible for the overall bank strategy as well as the two business units' strategy.

Mr Waters: Thank you for the update—very interesting.

In the legislative research document, there is a comment that I find interesting. "It is the commission's practice not to disclose the advice it receives from the board," being the Financial Disclosure Advisory Board, "to the companies under discussion." As a person at this end, I'm looking at, how does the company know that there's been a discussion and indeed that maybe some suggestions have been made about the situation and how they should be dealing with it?

Ms Meredith: My understanding of how the board works is essentially that the board meets twice a year with an agenda of very general disclosure issues that are really discussed by the entire board, and then throughout the year, as disclosure issues arise, they will select from the five members of the board people who really have had involvement in very similar situations, who are very familiar with the topic to be discussed and then communicate directly with those individuals. If something came up that had to do with banks or banking or a known customer of CIBC, my understanding from the OSC is that I simply wouldn't get called. I wouldn't even know that an issue had arisen because I just wouldn't be on the list of people to be called on that particular issue.

The expertise I would bring, that is probably very timely, is the whole area around and discussion around new financial instruments. There are a lot of changes going on in that area, and it's an area I've followed for a long time. It's a very topical area and it's one that, given my background, I think they had a feeling I could certainly make a contribution from a general level.

What I would expect is that in those instances where it is something more than general, something specific about a bank or our bank or any other financial institution, I simply would not be consulted.

Mr Waters: One other question I would have is, does the act, as it now stands, provide sufficient protection to investigating for the public? In other words, is the act sufficient? Does it need to be updated?

Ms Meredith: I'm not sure exactly which act you're referring to.

Mr Waters: It's in the background notes here. It's the act under which the board—the Securities Act.

Ms Meredith: To be honest, I would need to take a look at specifically that section of it. I'm guessing, and

correct me if I'm wrong, but if your question is around conflict of interest and situations like that and does it need to be more clearly articulated, it's maybe something that should be looked at. Personally, I don't see a problem with that, because the matters that generally come before this board, as I understand it, are for the most part general in nature, unless there is a specific violation by a company, and then they can select which members they want to get involved.

Mr Crozier: Under "Responsibilities of the Position," we're told, "The board consults and advises the Ontario Securities Commission on the financial disclosure requirements of the Securities Act." That, on its face, sounds very definite, and also, the board name is the Financial Disclosure Advisory Board. But it goes on to say that "it consults with commission staff on controversial matters requiring resolution." Now, that sounds very broad. What's your sense of your responsibility on the board?

Ms Meredith: Essentially, my understanding of the responsibility, particularly in the last part, which is I think what you were getting at, to consult on specific matters that are controversial, is really to look at the situation, and given the background I have—the financial services background, the investment analyst background—really to look at it as a user of financial statements, financial disclosure, a decision-maker around investing in the capital markets: Do we have sufficient information? Is this true, fair and full disclosure of the underlying circumstances? Does it reflect the substance of the transaction in a way that an informed investor can make a good decision?

I think what they are really looking for from someone like myself and from the rest of the board is an assessment as to whether or not those requirements have been met. Quite clearly, full, fair and true disclosure of the underlying substance is essential to the functioning of the capital markets and to the efficiency of the overall Canadian marketplace.

Mr Crozier: If we can get a little more to the point, if I interpret what you said correctly, this question of "controversial matters" may go beyond the bounds of just strictly financial, broader than just the balance sheet.

Ms Meredith: You can have some very controversial financial statement disclosures. For example, the whole area of financial instruments and the way in which you account for new financial transactions, derivative transactions in particular, is still a very grey area. It's an area that CICA is working on establishing standards for, but it's one in which the products evolve almost weekly, and because you have new products coming up on a regular basis and there are no clearly delineated rules for those transactions at this time, there is a lot of room for interpretation. I think the role of the board is really to look at the interpretation the company has taken and assess whether or not it does describe clearly the underlying substance of the transaction so that an informed investor can make a good decision.

1100

Mr Crozier: Certainly we in this room are painfully aware of how methods of disclosure of financial information can certainly confuse the public in Ontario.

Are you aware that there has been a considerable amount of discussion recently on changes to the Securities Act and are you aware of what some of those changes are?

Ms Meredith: I'm aware of the discussions, but I'm not all that aware of the substance of them.

Mr Crozier: I might point out that one of the controversial things, as far as the investing public is concerned, is protecting the investing public when it comes to these various kinds of issues, namely, the penny stocks. Where do you see the commission's role when it comes to the penny stocks as opposed to the other stock issues?

Ms Meredith: I don't think the fundamental role is all that different. Essentially, in both cases what you really are looking for is efficiency in the marketplace, that people are given good information in order to make an informed decision.

The underlying accounting principles, the fundamental principles that are applied, should be no different for similar transactions whether that transaction is carried out by a large company or a small company. The underlying principles are very much the same: that the required level of disclosure and the kind of disclosure that is necessary from a smaller company or a bigger company is disclosure that gives you, as an investor, the information you need in order to make an informed decision.

The principles are the same, but some of the issues are different, because many of the smaller companies in the marketplace today are in newer industries, industries the public may not be as aware of and understand as well, and consequently there is a need for education in some instances as well as a need for underlying financial disclosure.

Mr Crozier: Again with regard to this consultation on "controversial matters," there has been some criticism that this proposed legislation—and granted, it's only in draft form—sets the commission more or less as the rule maker, the judge, the jury and the prosecution when it comes to the powers it may have. Do you think there should be that kind of power vested in a commission, outside the legislative power that some would say should be the ultimate authority?

Ms Meredith: Again, I have not seen the specifics of the legislation or the way in which it is worded.

Mr Crozier: I'm not trying to put you on the spot. If that's not a fair question, you're not informed, we'll talk about it another day.

Ms Meredith: Probably that would be my preference. Clearly, there is a need on the part of the OSC to be very informed and very involved in the efficient functioning of capital markets. Whether the ultimate authority should rest with them or with the Legislature I think is a matter of broader debate.

Mr Crozier: I think you're eminently qualified, and I wish you well.

Mr Noble Villeneuve (S-D-G & East Grenville): You have a very impressive CV. In your capacity on the advisory board, do you feel that methods of accounting, and that's been kind of controversial with the Provincial Auditor, would be part of your responsibility, investigat-

ing or standardizing the method of reporting?

Ms Meredith: That's really, I believe, the responsibility of the Canadian Institute of Chartered Accountants. Setting the underlying accounting policies and principles is a function that CICA, maybe in some slightly expanded or broadened form—but again that's another issue—should be primarily responsible for.

The role of this group should really be more to look at the general areas that have not yet got standards, or areas where the standards are subject to much more interpretation and that interpretation could cause confusion in the marketplace; to make sure that the underlying information being disclosed gives you or me, as an investor, the true story, that what we've got—assuming we put some effort into understanding those numbers—is information that will allow us to make a good decision.

Mr Villeneuve: Would you see your responsibility as putting a caution on certain things that you don't feel are quite according to the norm?

Ms Meredith: Yes. I think the board does have a responsibility to raise red flags and to bring to light those instances that are questionable.

Mr Villeneuve: In your opinion, as you visualize a job that's still kind of theoretical, conflicts of interest are always first and foremost in the eyes, and perception sometimes becomes reality, but do you see your job as to ferret out any possible conflicts as they come before you or the board?

Ms Meredith: I believe personally that I have a responsibility, in any instance where there could be a perceived conflict, especially given my role in the bank, to bring those to light and make sure that either I am not included in those discussions or that the board is given the choice. If they don't feel it is a conflict because it's too far removed, that I would see as their choice. But clearly the onus is on me to make sure that any of those potential conflicts, or potentially perceived conflicts, are raised.

Mr Villeneuve: And addressed, and you would be quite prepared to say, "This appears this way"?

Ms Meredith: Yes. I believe it is part of true, full and plain disclosure, and that's really what we're talking about.

Mr Villeneuve: From your CV, you're eminently qualified, as was said before. I wish you well. You have experience and you certainly have the academic background. You're a natural for the job.

The Chair: We have a number of really important business matters that the committee has to address this morning, but first I'd like a motion to approve this morning's appointments, either collectively or individually, however the committee wishes to.

Mr Waters: I so move, collectively.

The Chair: That's a good word, eh, Dan?

Mr Waters: It was your word. I just gave it back to you.

The Chair: That's right; I know.

The motion has been moved to appoint Mr Sig Walter as a member of the Public Service Grievance Board, Mr

Roy Steel as a member of the Ontario Development Corp, and Ms Patricia Meredith as a member of the Financial Disclosure Advisory Board. All in favour of that motion? That is carried unanimously.

1110

COMMITTEE BUSINESS

The Chair: Mr McLean has advised us that he would still like the interview of Mr Gallant and Mr West—I think it might be Dr West—to be scheduled before this committee.

Mr Gallant's interview was deferred because he was running in an election for rector of Queen's University. We deferred his interview because Mr Gallant had suggested to us in a letter that if he were elected, he wouldn't be able to serve in the proposed appointment to the Ontario Council on University Affairs. Mr Gallant is elected so he now is rector of Queen's University, but he has learned that he can also serve on the board, so we could have gone ahead with his interview in either case. We will schedule his appointment as Mr McLean would like that interview to proceed.

Mr West indicated that he was unable to be present for an interview today because he had to attend a continuation of a refugee hearing; I guess Mr West sits on an immigration appeal board. That will be scheduled for Mr West as soon as his hearing is complete, hopefully for November 23.

Mr Waters: Madam Chair, when would we be doing these? I believe we've already said that we've booked November 23 for the Council of Regents, for COR. The next two meetings are actually booked for COR, I believe, to try to finish the report. I'm respectfully asking when we would be doing this.

The Chair: December 7 is open. Actually, I think we should get into our discussion to order all our business, because it's related to the point you're raising now about when these two gentlemen would be scheduled.

The legislative calendar has us having to rise on December 8, which means we have three more Wednesday mornings to sit. We have two major reports that we would like to have completed; one is the Council of Regents, and obviously the other is the St Lawrence Parks Commission. We also will have more certificates of appointments to review in the next week or two. We have a lot of work to do, and I would like to receive some direction from the committee about how you would like to order your business.

But I think it's also important for us to look at the material that has been circulated to you either this morning or in your package yesterday.

You asked me to write to Brian Charlton, which we did on November 2, and his reply dated November 9 is before you where he outlines that the St Lawrence Parks Commission has retained two lawyers from Management Board to investigate those labour relations concerns that came before the committee in Cornwall. He also says in his letter, "I must emphasize this is not an investigation requested by the secretariat, but one requested by the commission." Remember, we asked him to give us the parameters and the time for the investigation. He con-

firms that the only thing that will be investigated by the secretariat will be those matters before the committee that were labour relations concerns. He also says the investigation will be concluded by mid-December.

If you go to the memorandum from Frank Shaw—it's dated November 10, but it was only faxed to us yesterday—attached to Frank Shaw's memorandum are his terms of reference. You will notice in those terms of reference, right at the very end there are three items under "Report," and the final one says, "Submit a comprehensive report on all of the above matters directly to the commission chairman and general manager on or about December 12, 1994, for their discussion and review with the board of commissioners and with the standing committee on government agencies."

Here we're going to get the report of the investigation "on or about December 12," so you're going to have this report possibly after the House has risen.

Then the final part of this discussion is another fax that we got yesterday from Mr Shaw enclosing a letter from the staff representative for OPSEU, Don Stewart, Region 4, Brockville. Mr Stewart is saying in the letter to Mr Shaw:

"This letter is in response to your memorandum of November 3, 1994. The union recognizes and appreciates the need for your communicating to all employees your decision to fully investigate these allegations and to inform them of the process that will be used. However, the union questions your judgement when you express bias with respect to employees exercising rights with provocative language, which in effect tarnishes the investigation, in our view irrevocably.

"The union reiterates its request for an independent investigation, the findings of which will be delivered to the standing committee on government agencies for action."

This is an OPSEU letter expressing, I would suggest, a concern.

I'd like the committee to decide how we're going to order the business etc.

Mr Cleary: Backing up a little bit, each party had the opportunity to pick the boards or commissions we wanted to review and we agreed on those, and the St Lawrence Parks Commission was one of them. What I can't understand is that what this committee agreed on, under your directive, was that you were to write the letter to Brian Charlton that we wanted someone to review the individuals who made presentations to the committee. Am I correct on that?

The Chair: Not exactly, no. There is something I would like to tell the committee members, and that is that my office, because I'm Chair of the committee, receives phone calls from all parties to this issue: the staff, Mr Shaw etc. I have not spoken to anyone since we left Cornwall, and I think you need to know that. When my staff get calls from anyone, and sometimes it's just a call to say they're faxing something but Mrs Marland should know this, da da, da da, my staff refers everything to Lynn Mellor, the clerk of the committee. So I have not been involved in any aspect of this.

The only letter I've written is the letter you requested me to write at the last meeting. The letter, John, is the letter you have before you dated November 2. Actually, we're not asking them to investigate it. We're saying:

"The committee takes its terms of reference to 'review and report to the House its observations, opinions and recommendations on the operation of all agencies, boards and commissions...' seriously, and feels it has a responsibility to follow up on these allegations.

"It is the understanding of this committee that an investigator from Management Board Secretariat is undertaking a review of these allegations...."

So we didn't ask for the investigation, we already knew an investigation was going on, and you as members said, let's find out what kind of investigation, how long, who's doing it and when they would report.

Mr Cleary: But they were going to report back to this committee, am I correct?

The Chair: No, because the investigation was asked for by the commission. Mr Charlton makes that very clear in his letter. Mr Charlton says, and I read this a few minutes ago, "I must emphasize this is not an investigation requested by the secretariat, but one requested by the commission." Then he goes on to say, "The legal branch of the secretariat, given their expertise in these matters, routinely provides advice and support to ministries and government agencies, when requested, on labour and employment matters."

What the commission has done is that it has reached out to an independent body to conduct an investigation. Obviously, the two parties, OPSEU and the commission, are not doing the investigation.

1120

Mr Cleary: It has gone around eastern Ontario that this gentleman who was doing the investigation was hired by the St Lawrence Parks Commission, was working for the St Lawrence Parks Commission, and I don't think that's what we wanted. That is the rumour around eastern Ontario.

The Chair: I guess, as they say, when the rooming-house burned down the roomers flew. The point is that I don't think any committee can control rumours, and I think what we need to do—if the committee wants to issue a press release stating what the committee asked for and what the committee involvement has been, maybe that would clarify exactly what the situation is. The person doing the investigation is a civil servant working for that secretariat.

Mr Cleary: This is Kramer, eh?

The Chair: That's the name on Mr Shaw's memo: "to Richard Kramer." I don't know if Mr Kramer is doing the investigation or whether—

Mr Cleary: He was down there.

The Chair: Okay. I don't know whether he's head of the legal services branch. I just see that the terms of reference were sent to him.

Mr Waters: In my opinion, what we should be looking at is that we knew there was going to be an inquiry; we'd heard there was going to be an inquiry by

somebody from Management Board. We have the parameters under which that inquiry is to be held, very clear guidelines, and we have a time frame in which the answer is expected. I know the House will be down, but it means we haven't finished this and we should pick it up in the intersession. But I think we have to allow the inquiry to take place, and then definitely we should want to know what the outcome of that inquiry is and look at that.

The Chair: Would you think the committee could ask, as Mr Shaw is the one who has requested the legal services of the secretariat—the terms of reference were sent on November 10. Do you think Mr Shaw could ask them to have a report back in time for the committee to look at it on the seventh?

Mr Waters: And indeed it would be nice if we could have even an interim report to get some idea, if the final report wasn't ready on the seventh, as to where this report might be going and what recommendations might be coming out of it, but I would hate to rush the report and not have a thorough job done.

For Mr Cleary and all of us who sat through the committee hearings, the allegations primarily were labour-related that would be covered by this inquiry. I don't know whether it's proper for us to ask that person to come before the committee at the end of their report and report to us as well, whether we have the right to do that. If we do, maybe that would be the route to follow.

The Chair: Mr Waters, they're not only primarily labour-related; Mr Charlton, the Chair of Management Board, is telling us that the investigation is only labour-related.

Mr Waters: I guess I didn't make myself clear. What I was getting at was that pretty much every one of the allegations we heard as a committee from the people who came before us were labour-related allegations. Even those who were not past employees or present employees were people saying there were things happening within the labour relations aspect of the St Lawrence Parks Commission that should be looked at.

The Chair: There were other subjects raised as well, but that last day with those particular deputations, those were the serious matters that were brought before us.

Mr Cleary: Until this is over—I don't know who's right and who's wrong in this, but it's not a healthy situation at the moment. I'm all for getting to the bottom of the issue and to get it in report form. I'm not sure that the St Lawrence Parks Commission doing the investigation is the right way to go.

The Chair: They're not doing it. It's very clear that the investigation is being done by the Management Board Secretariat's legal branch. That's one thing.

Mr Cleary: Requested by the commission.

The Chair: Yes, requested by the commission. If you have concerns about the terms of reference that the commission has given to the Management Board, because the committee is investigating the St Lawrence Parks Commission there wouldn't be any reason why you couldn't make a suggestion to the St Lawrence Parks Commission about the terms of reference. The terms of

reference have been approved by the St Lawrence Parks Commission, so it obviously hasn't come from Mr Shaw only.

Mr McLean: What can you do until we get the report of the investigation? We can't do anything. I don't know what decision you can make until you get that report. If we don't get it before the House adjourns, there's nothing you can do about that. So what's all the discussion about now, when you can't do anything until you see what the report is?

The Chair: I think the discussion is about the fact that we have either to do an interim report or complete our report before the House rises. If you decide you don't wish to do anything more on the St Lawrence Parks Commission until you get that report, that's an option. Another option, which we've discussed before, is to have the St Lawrence Parks Commission come back. Remember? We discussed whether you might want the parks commission to come back before the committee.

Mr Villeneuve: I certainly think it would be premature to have any sort of report before we see what Mr Richard Kramer, the investigator, comes up with.

I too have been getting many phone calls on both sides of the issue. On one side, we have a very small group of people who are complaining and really have no reason to complain, and then we have the people who have come before the committee with the allegations that to me were very serious and must be investigated.

I don't see how we can come up with a report prior to Mr Kramer's investigation, at which time we may well want to look at whether we feel the investigation has been biased, and that's being suggested right now, that there is some bias. Whether there is or not, I am certainly not in a position to evaluate that. We could question Mr Kramer as to how he arrived at his conclusions, whatever they are. At that point I think the committee then could decide its next step, be it a report to the Legislature or a further investigation.

1130

Mr Waters: I concur wholeheartedly with both Mr McLean and Mr Villeneuve. Through our hearings, we have set some wheels in motion, and you have to let those wheels go through the motions in their own time frame. If that means that during the intersession, instead of going on with the Ontario Securities Commission, which I think was the next on the list, we're back to the St Lawrence Parks Commission, either finishing it off and accepting those reports as matters finish, or indeed requiring the parks commission, Mr Shaw or anyone who came before us before, or maybe people who didn't come before us, in order to bring this thing to its final conclusion, then we do that during the intersession.

Yes, the time will run out, but the time hasn't run out for this review to be completed. I think we have time to finish this review and do it in a proper, timely fashion to make sure that indeed we effect the change, if need be, that is requested by people.

The Chair: I don't know if I'm hearing a consensus, but what I hear, I think in the majority, is that you do not wish anything to happen until the investigation by the

Management Board Secretariat is complete. Bear in mind that that report, according to Mr Shaw, is going to go to the board of commissioners first and then to us, so you understand the time frame being around the middle of December. You don't wish to schedule anybody, you just want to wait till the report comes forward.

Is there any other discussion on this? Okay. Those comments are all recorded on Hansard, so we don't need a resolution. I perhaps would like to ask you, though, is there agreement with my summary? Okay. There is agreement recorded by the committee members.

To get back to scheduling our business, next week on November 23 we will be having the witness from Parks Canada and we will also be looking at the first draft on the Council of Regents report.

Mr David Pond: Even before the first draft, you have to have a brainstorming session on what you want to see in the report. To that end, as you requested, I've prepared a summary of recommendations that we heard from the witnesses, which you already have, and then three short papers which address specific concerns raised by individual members in September, which I gather you either have or you will shortly get. I guess the first step there is to have a brainstorming session about what you want to see in a draft report about the Council of Regents.

Mr Waters: I believe, if I remember correctly, the subcommittee report said we would give direction to Mr Pond next week and then that the following week Mr Pond would come back with some draft material for us to work on, and hopefully either that week or, if we can leave a bit of time, the next week, we would be able to adopt a report, because I don't see that there'd be a lot coming out of the Council of Regents hearings. I would hope we could have the Council of Regents completed by the time the House goes down, Madam Chair, would be my wish.

The Chair: Well, it would be kind of encouraging if this committee could complete at least one report.

Could I suggest, respectfully, that we might not need all of the time on November 30 to review the draft report and we might be able to schedule Mr West and Mr Gallant?

Mr Waters: I'd move that, Madam Chair, if you need a motion to that effect. I would say we split the two hours. I don't think it would take any more than an hour to go over Mr Pond's draft report, and that the other hour be used indeed to wind up, once again bringing things to a conclusion with these two gentlemen.

The Chair: There is a motion that that will be our schedule for November 30, that we will book Mr Gallant and Mr West at 10 o'clock and 10:30, and then at 11 o'clock go over with Mr Pond the draft report on the Council of Regents. All in favour of that motion? That is carried.

I don't think we have any other business. We will adjourn the committee and have a subcommittee decide whether it wishes to make selections for interviews for December 7. Thank you very much.

The committee adjourned at 1136.

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Substitutions present / Membres remplaçants présents:

Johnson, Paul R. (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud ND)
for Mr Malkowski

Also taking part / Autres participants et participantes:

Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

Clerk pro tem / Greffière par intérim: Bryce, Donna

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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Troisième session, 35^e législature

Official Report of Debates (Hansard)

Wednesday 23 November 1994

Journal des débats (Hansard)

Mercredi 23 novembre 1994

Standing committee on government agencies

Draft report,
Ontario Council of Regents
for Colleges of Applied Arts
and Technology

St Lawrence Parks Commission

Chair: Margaret Marland
Clerk: Lynn Mellor

Comité permanent des organismes gouvernementaux

Rapport préliminaire
Conseil ontarien
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 23 November 1994

Mercredi 23 novembre 1994

*The committee met at 1034 in room 228.*DRAFT REPORT,
ONTARIO COUNCIL OF REGENTS
FOR COLLEGES OF APPLIED ARTS
AND TECHNOLOGY

The Vice-Chair (Mr Allan McLean): This morning we're dealing with the preparation of the report for the Ontario Council of Regents for Colleges of Applied Arts and Technology. The information I have is that we'll be discussing some of the aspects of that report. I don't know where the committee wants to start, but perhaps we could have a little direction from our researcher of where we're at on this.

Mr David Pond: You should have in your package three or four documents. For example, "Summary of Recommendation and Comments Regarding the Council of Regents" is probably the most useful one to you this morning. I think you got it a couple of weeks ago. It's a summation of all the, or at least the most prominent, recommendations and comments made by witnesses during the week in which the committee reviewed the Council of Regents.

If you recall, some of the members here weren't here in September. In the last week of September we had four days of hearings on the Council of Regents. We began with Richard Johnston, some of his colleagues on the council. We then heard from, I think it's fair to say, all of the major stakeholders in the community college system: the boards of governors, the presidents, the student lobby group, a representative from OTAB, some of the other stakeholders.

This is our first meeting dealing with a possible draft report, so the job here today is to have a brainstorming session about what you would like to see in a possible draft report.

Ms Evelyn Gigantes (Ottawa Centre): Mr Chair, could I ask our research officer to give us the date of the summary document to which he referred? We have so many pieces of paper, I'm having trouble laying my hands on it now.

Mr Pond: The only date on the document itself, unfortunately, is October 1994. You probably got it quite a while ago now, three or four weeks ago.

Ms Gigantes: But it was October.

Mr Pond: Yes.

The Vice-Chair: You have nothing in writing; you have no draft report or anything.

Mr Pond: No. The decision at the last meeting was that before we could get to the stage of looking at a draft

report, we had to have a preliminary meeting, as the committee always does, to discuss possible recommendations again.

The Vice-Chair: Then we're open for discussion.

Ms Gigantes: I'm prepared to make a motion for consideration of the committee:

That the legislative researcher should draft a brief report to supplement the research already prepared. This report should focus on whether the Council of Regents is appropriately performing the tasks recommended by the Vision 2000 report of 1980.

I can give you a copy of that.

The Vice-Chair: Is there any discussion on that motion?

Mr Dalton McGuinty (Ottawa South): Could I hear that again, please?

Clerk of the Committee (Ms Lynn Mellor): Do you want a copy?

Mr McGuinty: A copy would be very helpful, yes.

The Vice-Chair: Really what it's doing, I guess, is directing our researcher to prepare some type of a report.

Ms Gigantes: There's a typo in there and I read it into the record, Mr Chair. It's the Vision 2000 report of 1990.

Mr Pond: Needless to say, I'll do whatever you direct me to, but I really should point out to you that this is precisely the issue the committee discussed for a week in September, and as members who were on the committee then will recall, it was pretty clear to me as an observer that there were substantive differences of opinion among the members on precisely this issue. As I say, it would be difficult for me to draft any report with conclusions in it at this preliminary stage without having heard from the committee, as it's constituted today, about what it wants to see in this report.

If you like, I can go on and sort of summarize some of the outstanding issues that members debated among themselves during the hearings, to illustrate my point. For example, there was substantive discussion about whether the Council of Regents should continue to be responsible for prior learning assessment and college standards accreditation. There was substantial discussion and disagreement about the appropriateness of the size of the Council of Regents' budget. There were substantive differences about the relationship between the Council of Regents and the governors and presidents. These are all issues with regard to which members substantively disagreed when we held our hearings in September, and

there are probably other ones that I can check for you.

The document I prepared, the summary of recommendations and comments, if you read through that, I think fairly does illustrate the differences of opinion. There are also differences of opinion, as members will recall, between on the one hand the governors and the presidents, and on the other hand the Council of Regents with regard to issues such as employment equity on boards of governors of community colleges and how that should be implemented and the pace at which that should be implemented. These are very substantive differences which came out of the week of hearings. As I say, if you want me to draft a report, I will, but it will be simply a decision-tree type report laying out options for you. That's all I can do at this preliminary stage without further direction.

The Vice-Chair: I think probably that may be the appropriate channel to go.

Ms Gigantes: If I could speak to that, while I agree that certainly committee members may have come to the hearings with different points of view on some of these matters, I suspect that during the course of the hearings, as we heard testimony from the people who came before the committee, there was a fuller understanding by members of the committee about how these matters were being addressed, and there may not in fact at this stage be the same questions remaining as we started with in the minds of many of the members of this committee.

I certainly can't speak for all members of the committee. I wasn't present during the hearings. I did review the transcripts of the hearings and it seemed to me that the discussion that arose out of the discussions with witnesses was one that brought people certainly closer together in terms of an understanding of what was involved in the various issues that have been raised by Mr Pond.

While I agree that we may have had some discussions which indicated some disagreement, I think that if Mr Pond goes back over the Hansards now he'll find a greater degree of accord on many of these matters than had existed at the beginning of our discussions with witnesses.

1040

Mr McGuinty: I cannot support Ms Gigantes's motion. I think it unduly narrows the focus of some of the concerns that we examined in some detail during the length of the hearings connected with the Council of Regents.

There are a number of issues, as our researcher has pointed out to us, that are of great concern to a number of the players involved in the college education system in this province, including the very real concern about the relationship between the council and the college system. One of those that I have a particular concern with as well is the college governance system and the support or lack thereof for a constituency-based model. That is an issue that has sparked some controversy, to say the least.

There are others as well. The other issue, of course, is one dealing with the collaboration between and among our educational institutions. I think there are areas that fall under that subject as well which we ought to be

addressing fully here. Ms Gigantes's motion only deals with one particular facet of the matters that we were reviewing here. I believe Mr Pond, our research officer, has told us that there were hearings specific to that very issue. Was that correct?

Mr Pond: Yes.

Mr McGuinty: So that matter has been dealt with. Let's expand the scope of the report, given that we had an expansive hearing looking into a number of issues.

The Vice-Chair: Thank you. Mrs Cunningham.

Mrs Dianne Cunningham (London North): Well, I haven't seen the motion.

Clerk of the Committee: It's in front of you.

Mrs Cunningham: I guess I came here today wondering exactly what kind of information we would discuss with regard to the different topics of concern to us that came out of the hearings—I have a list of about nine—and how we could deal with each one, because I think some of them could be dealt with separately. Where we all agree that there isn't a concern, and we certainly found out during the hearings that there wasn't, we could probably come to some consensus around those areas. Then, when we think there is a concern, where we want to give some information or recommendations, whatever, to the government, maybe we could spend more of our time focusing on those areas.

But certainly, from my point of view anyway, there are some areas that I did have concern about that I'm not particularly concerned about any more. Then during the hearings, I am happy to say, I think there were some areas that were raised to all of us that we didn't even think would be a problem and that are.

I don't know how you want to go about it, but there's a lot of information that I think we should be sharing here and coming to some conclusion around under different titles. I think, if you take a look at Mr Pond's three reports that he gave to us, certainly the headings are there. We could say, "This is not an area of concern; this is," and that was what I wanted some direction on today. But I'm sorry, Evelyn, I haven't seen your motion.

The Vice-Chair: If I could just briefly say something, Mr Pond indicated he was looking for information and feedback from the members with regard to some of the specific issues that were raised. Ms Gigantes's motion, I think, is appropriate. I think it asks for input and for Mr Pond to look at it. So I would suggest that each committee member give Mr Pond what major concerns they have so that he could look at them and maybe incorporate them in some report.

Ms Gigantes: If I could, I'd like to ask Mr Pond the date of the previous hearings—I'm not familiar with them—that dealt with Vision 2000 and what was involved as the subject matter of that.

Mr Pond: Are you referring to this committee's review of the Council of Regents?

Ms Gigantes: I understood Mr McGuinty to say that there had been previous hearings which dealt with the subject of the motion.

Mr Pond: Not to my knowledge. This committee

looked at the Council of Regents from September 26 to 29. That's it as far as this committee is concerned.

Ms Gigantes: So you're not concerned from the point of view of what is in the parliamentary record that this motion would be a repetition of a report which has been done before?

Mr Pond: No. As Mr McGuinty suggested, this motion deals directly with one of the issues that came up during the hearings; namely, how well the Council of Regents is implementing Vision 2000. But as I said earlier, that's an issue over which the witnesses and members disagreed in September. Certainly you'll get a different perspective from Mr Johnson than you'll get from the Council of Governors and the Council of Presidents, at least from what they said to this committee. Mr Martin, you were here. You'll recall some of those debates.

I can prepare a report for you; don't misunderstand me. But as I said earlier, it'll be one of these decision-tree reports where you get options: option A, option B, option C, that sort of report. I can't prepare something which is definitive and conclusive without more direction from the members. That's my only warning: caveat emptor.

Ms Gigantes: Could I continue for a moment, Mr Chair? I think that when Dianne suggests that there are areas where the discussion, as I had noted earlier, really led to a greater understanding of questions which had been raised, and I think in a very satisfactory way, to members of the committee, perhaps if she would indicate those areas to us, we could come to an agreement around that, and perhaps it's possible for us to narrow down and add to the motion to indicate where we would give further direction to Mr Pond.

Mr Alvin Curling (Scarborough North): If I'm getting the understanding of this motion and the understanding of Mr Pond, you are then being asked to draft a report actually making a conclusion in some respect saying whether or not the Council of Regents is appropriately performing the task. There were discussions, you said, in the past that people disagreed whether or not they are and there are different parts of the Vision 2000 on which we should be focused.

Wouldn't you then, Mr Chairman, feel it's a bit kind of inappropriate to ask the researcher, Mr Pond, to do this, almost concluding what the members would then have to come to a decision on? What he could do is to say: Here is what is in there. Here is what we discussed. You then come with a conclusion. I think it would be a little bit inappropriate to do that.

1050

Mr Tony Martin (Sault Ste Marie): I sat through the hearings that we had and was actually at some points quite excited by what I heard re how things were working, what people were doing and the progress that was being made in the areas that were indicated out of the Vision 2000 report, and also I guess somewhat enlightened re, yes, there were some challenges, there are some growing pains, there are some things that all parts of the system are struggling with around things like PLA

and CSAC and all of that. Some of it was dealt with and some of it wasn't.

We, in my mind, got a bit sidetracked into a bit of a discussion about who was going to be in charge when we all know, in fact, the ministry's in charge. The Council of Regents was established in the wisdom of the people of that day to advise the minister, and over the years some professional organizations have risen up to be helpful to the system and the people in the system who run it.

Now we're at a point and in a day when we have some new realities in front of us, new dynamics, new demand that wasn't there before, and so with that come some tremendous growing pains and a working out of how all this is going to fall into place. I suggest that if anything is going to come out of that discussion, this motion will get us certainly a distance down the road anyway to getting some of the information that we need so that we who have some responsibility to give some direction or advice can in fact do that.

Yes, there are some concerns, and yes, there are some issues that need to be looked at. I went back after these hearings and spoke myself with the president of Sault College about all of this. His concern, to be frank with you, wasn't who was in charge, he knew who was in charge; it wasn't the relationship between the various organizations, he knew what the channels were, and like any good healthy relationship there are good moments and there are bad moments, there are times when we're communicating and everything's clicking, and there are times when it isn't clicking, and that's normal, that's natural.

His concern, though, given that we're a relatively small college up there, without the enrolment base that some of the bigger colleges have in some of the larger centres, is how this piece of work flowing out of Vision 2000 was going to be doable in Sault Ste Marie. Little movements of one or two people for half a day affect the budget of that institution significantly and affect its ability to operate.

To give credit where it's due, certainly the Council of Regents has brought into the game, into the process, a vast number of people from all the various sectors of the system to work on the design of how PLA will work so that we can have something that is consistent across the province and how CSAC will work so that we can have something that's consistent across the province that will reflect the concerns of students and teachers and the administrators and the governors of these facilities.

I don't think it would hurt anybody to do a little bit of a study, as is suggested here, to perhaps more clearly identify what the snags are, what the challenges are, what the problems are, so that then we can maybe more intelligently give some direction or suggestion or whatever.

In light of my feeling and sense and understanding of where we are at the moment, in light of my having sat through the discussions that we had with the folks as they came forward and some of the discussion here this morning and what Mrs Cunningham said earlier, I think there are some things that we can certainly agree on and disagree on, but this motion, I think, will give us what we

need, then, to really do the job that is called of us as legislators around this table.

Mr McGuinty: I think that if we were to support Ms Gigantes's motion, that would represent, at the end of the day, a very, very feeble effort on the part of our committee to address the many and varied issues that were raised during the course of our three days of hearings. The subject-matter, I'll remind committee members, was, according to the memorandum here: Agency Review, Ontario Council of Regents for Colleges of Applied Arts and Technology. It doesn't say that we're going to restrict ourselves to Vision 2000 and the developments that issued from that. There's no restriction whatsoever.

I am my party's colleges and universities critic, and one of the things that becomes a sore point after a while for anybody who spends any time on these issues is that colleges, including the Council of Regents, are constantly treated as a poor relation in our post-secondary education system, and we're about to do that again by giving short shrift, very short shrift, to the depth and the breadth of issues that we really ought to be treating, because we've had one of the rare opportunities to learn about the various issues during the course of committee hearings.

Just as for instance: Ms Gigantes's motion asked us to focus—it doesn't say it explicitly, but implicitly—exclusively on whether the Council of Regents is appropriately performing the tasks recommended by Vision 2000. There is a very real issue as to whether the Council of Regents ought to be even performing those tasks or whether another body ought to be performing those tasks.

So what we do if we support this motion, apart from the other reasons which indicate that we're giving very short shrift to the other various concerns that have been raised here, we're implicitly buying into this notion that COR, the Council of Regents, is the one, is the body which is best suited to performing these tasks. I don't think we ought to be buying into that. We ought to be considering all of the arguments that were put forward. We may not agree at the end of the day, but I think in fairness to all the presenters who appeared before us we ought to be considering all of the positions put forward and not just this very minimalist motion, if I can categorize it that way.

Mrs Cunningham: I'm just going to go back to where I started. I certainly came prepared to talk to each of the titles. The one that I'm looking at, for anybody, is the agency review dated October 25. I started with that report that was given to us by Lynn Mellor, because that's the input. So that's the report that I used in order to bring the information together.

I think there are many topics that came to our attention with regard to not just the role of the Council of Regents but some of the weaknesses in the system that presenters pointed out to us that didn't directly relate to the Council of Regents but that they thought maybe should; for example, the difficulty that we have with OTAB and where the colleges will fit into the whole training structure. Where will the government get the best advice it can with regard to future training needs? Will it come from OTAB? Can in fact the colleges give us better information?

We heard a lot on this subject-matter, and I think that kind of detail has to be put into some kind of report for the minister and for the deputy. This is just one small area where we got a lot of good information, which isn't all in here; it's more in the Hansards.

The concern about the fact that we don't have good statistics in our college system: Since we found this out during the hearings, and since in fact it was the Council of Regents itself that brought it to our attention, we should be underlining that, because if that's something that the ministry should be dealing with in some way, do the colleges do the work themselves or is there some department within the ministry so that we can plan appropriately? Where are the students leaving? What courses do they not find useful? Are they really considered leavers when in fact they may take a job that's attractive to them? Those kinds of things, because I really think that the colleges are a very integral part of our training system, and we may be looking at them to do more work than what they're doing now.

A lot of this came out of this review, which was more useful than what we had expected. I think we have to put that kind of detail into the report. I'm not certain that Mr Pond, if he didn't hear from us in some regard—and certainly I think all of us should have an opportunity to speak to each of these topics separately, and then at least he would have it on Hansard.

I'm not sure about the most efficient way of doing this, but I do know that I wouldn't expect us to be putting this in writing to Mr Pond and then him coming out with some kind of report that is just received by the committee. I wouldn't find myself particularly useful. I mean, anybody can do that. But as we represent different points of view—Mr Martin certainly knows more about his community than any of us. I know about Fanshawe, so I'm obviously coming forward with those kinds of things. I think we could have a very helpful report as a result of the hearings, which were really intensive. I think it actually might be very interesting for us to see where we did agree, because I think there are a lot of areas. I would like to do it topic by topic. We should decide today what the topics are and come back prepared to do that and not take a lot of time.

But I think it's important that we get our remarks on the record for Mr Pond, and then we would be more capable of looking at a report that could have some very good information for the minister and the deputy, because I'm certain that we've got some things here that haven't always been stated to them, because there's not time, that I think would be very useful. I think it could be quite a good report.

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Our areas of concern should be underlined. I think there are three or four, I can tell you, where I don't think we came to a conclusion and where I don't think we will be able to. But I think we're going to have to take these areas under advisement for some discussion by the council perhaps itself and the ministry. But maybe not the council, maybe just the ministry itself should take a look at this seriously, and certainly the role of the Council of Regents with regard to prior learning assessment. I'm not

sure we can agree on that, where it ought to take place or whose responsibility it ought to be, but I think we were convinced that it's an area that they're doing a very good job in.

Ms Gigantes: Who is?

Mrs Cunningham: I'm sorry. The prior learning assessment.

Ms Gigantes: Yes. Who's doing a good job?

Mrs Cunningham: The Council of Regents. I anticipated at the very beginning that this should not be their responsibility. I'm not sure it should be their responsibility, and I think that the minister should be looking at the management role of the Council of Regents. If they want to get into prior learning assessment as part of their responsibility—I came here thinking it should be the ministry's; I haven't been convinced that it isn't the ministry's, but I am convinced that they're doing a good job, which is what we wanted to hear about.

I think the College Standards and Accreditation Council, since the meetings—I've had a number of meetings, basically because I'm the critic and I was interested, and I have a lot of points that I would like to share with my colleagues here with regard to two or three good meetings of some of the groups that are part of OTAB, both labour, business and some of the sectoral groups, agriculture for instance.

I discussed our concerns, not just with the Council of Regents—and I shouldn't say "concerns"—the role of the Council of Regents, where they fit into OTAB, which is becoming a very big issue, I think, for colleges. I think we're going to be relying on them to do a lot of the training that's being recommended. So I think that would be useful information, and I'm sure my colleagues have some as well.

Ms Gigantes: Could I ask a question for clarification? Dianne, when you talk about standards and accreditation, do you see OTAB as a subset of that—

Mrs Cunningham: No.

Ms Gigantes: —or are you seeing it the other way around? First you started out with standards and accreditation, then you sort of got off into OTAB. Are you considering this all part of one subject?

Mrs Cunningham: I'm considering OTAB as part of the whole issue of standards and accreditation, period, because we found out through some of the discussions at OTAB that there are certain—I don't know how to describe it—work and jobs that already have their standards within that particular area. We found out during the hearings that there are certain courses that might relate to that job. We don't really have to get into accreditation. They should be teaching the courses to meet the accreditation standards that are already there. But some of the colleges would like to have their own. I learned through these hearings that there's a duplication there, and that's something the ministry has to seriously look at, in my view.

Ms Gigantes: Can you indicate your conclusion as far as the role of COR is concerned?

Mrs Cunningham: The Council of Regents?

Ms Gigantes: Yes.

Mrs Cunningham: My conclusion, at this point in time, would be that the standards and accreditation for courses that are related to a particular training and a particular area where there are no standards—I can't give you an example, Evelyn; if I went back to my notes, I could—should be with the college—I'm sorry, I'm talking about the individual colleges—with some kind of direction.

Ms Gigantes: "Some kind of direction." Do you mean CSAC?

Mrs Cunningham: Yes, but where CSAC should be, I think it should be arm's length from the colleges. That's how I feel now. I'm not saying that this is the correct answer, but I was asked a question, and given what I've learned, I think there are too many independent groups that have already set the standards in the province, and we should be trying to help them meet those standards. All of these standards, by the way, are with the approval of the government. It's quite complicated, in my view.

Ms Gigantes: If I could go back just for—I hope this will be helpful.

The Vice-Chair: If I could just for a minute—we get a conversation going back and forth.

Ms Gigantes: It's because we're trying to define the areas of agreement.

The Vice-Chair: If Mr Pond is getting some good information out of this, that's fine. We've got 20 minutes left to direct him what he's to do, and if we're going to continue to go back and forth, if he's getting something out of it, fine, but if he isn't, I have three other speakers who want to be on the list. It's up to the committee how we want to handle this. Are you finished?

Ms Gigantes: It was my purpose, with the questions I raised, to try and see if we could work out what areas there was agreement on, which would provide guidance for Mr Pond. That's why I was trying to understand better just how you saw the role of COR as it relates to standards and accreditation and CSAC and whether that represented the kind of arm's-length-from-the-colleges process that you wanted to see in standards and accreditation; in other words, whether you think the current arrangement is actually meeting the need.

The Vice-Chair: Have you anything further?

Mrs Cunningham: For the purpose, and given the information and the follow-up that I've been able to do, my recommendation to the minister would be certainly that this particular standards and accreditation council should be at arm's length from the Council of Regents, because I think it's not just what we're doing in our community colleges. I think somebody has to take a look at where there may be some conflicts there and where there's a lot of work being done where there doesn't have to be work. That's all. But I have a whole list here.

The Vice-Chair: A point of order, Mr Curling.

Mrs Cunningham: I just want to say one more thing, and then I'll be quiet. I guess what we're getting into now is an indication of why we should have some discussion around whether we agree or disagree. I don't even know whether it's that important that we all agree

or disagree. I think what Mr Pond should be doing as a result of these hearings is giving the government more detailed information where there are areas of concern, otherwise the hearings have been useful, and also information around where we just don't have concern. Like, "Don't put your efforts in here, because we all think that's working fine."

I think there are probably three or four areas where I have significant concerns, and I hate to say it's just about the role of the Council of Regents, because I think we learned more about them; it's probably more about the colleges themselves, because of what we heard from the Council of Regents and others, where we should be directing the minister and the deputy around areas that they've brought to our attention.

The Vice-Chair: Mr Curling, you're next.

Mr Curling: I was going to use a point of order, but the fact is I'll go into my discussion itself, because I really can't see that the debate that is happening now has anything to do with this. As a matter of fact, maybe it has in a way, because what is happening here is that the motion itself, I feel, is out of order, in that direction, to direct the researcher to come up with a conclusion.

Vision 2000 basically was written for 1990, and there are the colleges, 23 plus two, whatever they are, and there is the Council of Regents, which actually is the head body. The fact is, for us to conclude whether or not they are doing their job in carrying out their appropriate duties and then to conclude on that, I'd like to see if we could have a ruling on that, whether or not we can ask the clerk to conclude on something where it should be discussed by all members here after the review and after the interview to say, "Yes, now we will decide whether or not the Council of Regents is performing its duties accordingly," if that's one of the things, because the list of things down here is enormous: whether or not they are doing their duty in regard to this, are they doing their duty in regard to that? So therefore, whether or not we can ask Mr Pond to do that I feel is inappropriate.

1110

Ms Gigantes: Just to make my intent clear, I'm surprised that members of the Liberal Party in particular are expressing the view that the motion is a constrictive motion. Vision 2000 incorporated recommendations that dealt with each of the matters that have been before us, as members of this committee, in terms of the role of COR. Our mandate is to do a report on COR and its role.

While there are many things in the world that we could associate with what we've learned about the college system and training and education and so on, with what we've learned what we were dealing with was the role of COR, I in all good faith thought that to talk about that role in terms of policy which had been established, going back many years, about where our college system should be going, namely the Vision 2000 document, would be a kind of helpful setting.

I don't think it is restrictive in terms of the content that came before us at all. I really don't see that. I think that when Dalton talks about the question of whether COR is the best body to be implementing Vision 2000, that

certainly is a question that is open within the meaning of the motion. There's nothing in the motion that rules that out. If that's an issue he wants to raise baldly and boldly, then let us deal with it.

I have a certain point of view on that. I think the roles that have been assigned clearly, directly by the Minister of Education and Training in the implementation of Vision 2000, those issues have been mandated for COR to move on. I think COR is doing a good job and it is the best body. I don't see an alternative body. I don't think we had evidence before us that there was an alternative body. If there's a specific kind of recommendation that Dalton wants to make on it that is different, I'd love to hear it.

But I think the motion was an attempt to be helpful to Mr Pond. If we can indicate within that motion specifically what areas we agree on, which ones we want to define for further discussion, fine, let's do that. That's why I was trying to ask Dianne exactly what it was she felt we had some agreement on and what remaining areas there would be for us to perhaps discuss a little further.

Mr Martin: I wanted to pick up a little bit from Ms Gigantes's remarks and just share some thoughts and maybe lay a question on the table. I heard Mr McGuinty speak to another organization or structure of some sort doing this work, the work of CSAC and prior learning. I'm wondering, as is Ms Gigantes, who he's suggesting does this.

We heard very clearly during the hearings that certainly the Association of Colleges of Applied Arts and Technology of Ontario, that does a very good job in its own right as a professional organization for its members, does not have on it or have the support in any significant way of a very significant portion of the community college community, the teachers or the students, and they would have some real concern with that group taking on this task.

Given that, and then Ms Cunningham suggested that the ministry might pick up this task instead of COR, I guess my concern there is the ministry being in charge. What we need here is an arm's-length organization, and if Ms Cunningham is suggesting that another bureaucracy be set up, with all of the costs that entails in these very difficult financial times, and looking ahead a bit and not seeing it getting a whole lot better, I struggle with that in terms of how we'd do that.

Mrs Cunningham: Just for the record, I'm not suggesting that, Tony.

Mr Martin: Okay. Yes, maybe we need to hear more from you then on that.

Mrs Cunningham: Of course. How do you know what people are suggesting?

Mr Martin: If COR is doing a good job in most areas, according to Ms Cunningham, then why couldn't we, maybe through some recommendations of a report that we could get here on this particular piece, make some suggestions as to how they might in fact do that. If we have some concerns we can lay it on the table, and if the way they came forward as forthright and honest as they did in front of the committee a while back is any

indication of the response they would give to any challenge that we throw to them, I'm very optimistic and hopeful that they will do that.

I've got great confidence in the group of people that has been gathered around the table that we call COR to do this very, I think, important work. Again, there was some reference by Ms Cunningham to the further work the college system will have to do probably before your question of OTAB, which calls out very loudly and clearly for the work of PLA and CSAC to in fact be done.

If they're going to be more involved, it just becomes much more important even than now, much more critical that we have standards that cross the whole province, that we have prior learning assessment tools that are the same everywhere, that we have an arm's-length organization which is working with this to make sure that no one particular interest group or stakeholder group or organization is served any differently than another.

If we have some concerns around the Council of Regents and the delivery of this particular piece, which I think, as I said, from having sat through these hearings, was the real reason for them, then let's focus on that and get it done, because we don't have a whole lot more time here. We've got about two more weeks left. If we want to get the job done in that time or whatever while we're still all around here—we could always come back, I guess. I say let's get it done.

Mr McGuinty: I see that our—

The Vice-Chair: Ten minutes.

Mr McGuinty: Yes, we're running out of time here, Mr Chair, and our researcher is patiently looking for guidance. I'm not sure we've been able to provide that to date, to this moment in time. But he suggested something earlier that I think made some sense. I would support his efforts to prepare a draft report in which he defined the broader issues and then provided us with a series of optional recommendations. Then we'll all have something in front of us.

I feel that there would be certainly some agreement on some of those issues that would help us move along in more of a systematic manner rather than the way we are right now, which is essentially pulling these things out of the air in kind of a happenstance style and we may or may not touch on the issues that we feel are important. I think we should take Mr Pond up on his offer to prepare a draft report where he defines the broader issues and then provides us with a series of optional recommendations. We'll have those before us and we'll be able to deal with it I think in a more effective manner.

Mrs Cunningham: I don't have any problem with that. I just wanted to respond to Mr Martin because I just want to set the record straight. I specifically got on the topic of CSAC because it's where I tried to get some better information so I could bring it to the committee. In doing so, I was directed time and time again to different subcommittees of OTAB, so that's maybe why I raised it. But I want to be very clear that CSAC itself feels it should be an independent body. That was a recommendation to us. I want to be very clear on that.

I want to be very clear that CSAC should be kept independent of the ministry, the Council of Regents and ACAATO. The deputy minister said that himself and so did Walter Pitman, who's done so much work in this area. We should seriously think about making a different recommendation for CSAC if we've done our homework.

1120

The third point I'd like to make is that CSAC is developing system-wide standards, which can only be done outside the existing college structures for some of the reasons I tried to bring forward, what I found out. I think it's an area that we should seriously be thinking about with regard to where that body fits. That was Mr Jackson.

If we're getting CSAC themselves, they were very concerned about being independent. They said they had no substantive interaction with the Council of Regents but there was a perception that they were controlled by them. I think the good thing that came out of the hearings was the fact that we were pleased to hear that.

How do we give them the kind of credibility they need to get their job done so that there aren't these kinds of criticisms? I would say we have to make a different arrangement. I don't know which one would be best. I just wanted to respond to Mr Martin. I'm not talking about another bureaucracy here, but I do think we should give it some consideration. Maybe that's something the deputy minister, after all of the good advice he's had from Mr Pitman and CSAC themselves—maybe they should be talking about it. But clearly the key players don't think it should be where it is.

I wouldn't want to speak for Mr Johnston, but I don't think he felt he had any particular need to be involved in it any more because of course he provided the leadership in the beginning. I think it's worthy of consideration. It's just one point and I wanted to be very clear on the record.

The Vice-Chair: Thank you. I think Ms Gigantes and then we should deal with the resolution.

Ms Gigantes: I'll be very brief. We've had indication, at least from Dianne, that she feels that on the question of prior learning assessment, COR is doing a good job and that the committee hearings really did help us understand the full gamut of the work they're doing and the way that work was being treated by all the players. They all felt it had to be done and that COR was carrying it out well. I think we probably have agreement around the room on that.

The second large matter, CSAC, is one obviously that we could have more discussion upon. But I would note to Dianne that while everybody said CSAC should be independent and there was no argument about that, there was on the other side no criticism that it wasn't. In fact, I'd like her to reflect on the fact—

Mrs Cunningham: Oh, no, no. I was at the meetings and there was a lot of perception—

Ms Gigantes: —that the perception is a perception that really our discussions helped dispel, because what CSAC is, in terms of COR, is a body which relies on COR for a lot of administrative functions. I think we

have to face the fact that if you're going to make it any more arm's length and so you can put it out there and everybody can say, "Now we have a perfect perception," you're going to have to set up another administrative body to go with it, because that's all the overlap there is. I think we need to bear that in mind as we think about the further discussion we'll have.

If it will be helpful to this committee's work right now to withdraw this motion or to amend this motion or to have another motion, let's do it while we have a few minutes. Let's give the researcher whatever instruction we want, but let us say to him the things we agree on. If he has some sense of that from what we've had as discussion so far, good. If we need to pass motions on it, let's do that. I'm in your hands, Mr Chair.

The Vice-Chair: I would ask Mr Pond if with the direction he's received and some of the suggestions, if she withdrew the motion, he could prepare a draft to come back.

Mr Pond: Certainly, as I indicated earlier, I'm happy to do that. I'm in your hands. But I really want to emphasize, as Ms Cunningham said, there were real differences in this committee and between witnesses and members of this committee over the major issues, every single issue, and you decide now that you want to have a consensus report. That's fine, but I haven't heard that consensus yet here today. If you read my summary of recommendations and comments, the differences come through loud and clear.

I will prepare a draft report along the lines Mr McGuinty indicated, but they will be options and you will have to choose the options. They will be mutually exclusionary options on any of these issues. That's the reality.

The Vice-Chair: Then we'll meet—

Ms Gigantes: Can I ask on that, is it important, Mr Pond, at this stage to understand if Mr McGuinty feels that COR shouldn't be carrying out some of its given duties, that Mr McGuinty give some indication who he thinks should?

The Vice-Chair: I think we're going to have to come back on December 6. Mr Pond is going to do a report for next week, November 30. Then will the committee meet next week or December 6? We could meet both times.

Mr Martin: If I might, I really feel strongly that the report should be more focused. I agree with them that there was certainly a difference of opinion and in some instances it's a big issue and it's like, is government working properly? Can we discuss that here at this table and come up with some—we all have differences of opinion on this one.

The piece that seems to be of most concern to people at the moment, because it's the evolving piece, is this question of PLA and CSAC and is it doing the job and where does it belong? Certainly, there have been some issues raised here today about that. For example, it's my understanding that CSAC is already an independent body. Can we get some suggestion from the researcher as to whether that is true, and the only question is, where should it be housed?

It seems to me that yes, we need a report, but we need a focused report because we need to respond to the issue that is of most concern and that we can probably do something about in the short term, as opposed to perhaps the long term. That's what I would like to do. I would like to see a more focused report and I would like to see the researcher come back with some facts and figures and information that reflect the reality of today as opposed to what he heard from folks who in some instances, like we all do, have some stake in this.

Mr Pond: One point, though, sir: Many of the issues Mr Johnston addressed himself and put on the table for the committee to consider did not flow out of Vision 2000. The college governance was the issue which led this committee to choose the Council of Regents for review. That's not in Vision 2000. The unreliability of the stats in Vision 2000—

Mr Martin: That's been resolved, though.

Mr Pond: No, it's not been resolved, sir, with all due respect.

Mr Martin: It has. The rollout of the report, and now we're waiting for the ministry response, I think has lowered the level of anxiety around that particular question, and that's politics. That's the way this place has worked, it seems, in my four years. You know, it goes like this and yes, that was a popular, attractive issue at the moment, and from what I've gathered so far, from the response I've seen both locally and provincially to what has been suggested, we're getting there.

The Vice-Chair: We have a motion on the floor. We've run out of time. Are we going to proceed with the motion or are we going to withdraw it?

Mrs Cunningham: Could I just ask, through you to Ms Gigantes, that she withdraw the second statement. I think it's too narrow. We should focus on the table of contents of the issues that were discussed. That should be Mr Pond's direction. I think his own example of the governance and I would say the collective bargaining—there were seven recommendations there—we should be dealing with those. I don't think you wanted to preclude us dealing with either of those things in your motion, did you?

Ms Gigantes: No. I had actually hoped that in many cases there would be a good deal of consensus. I sense from this discussion that members opposite may want to carry on discussion around some of these items for some period of time. I have no objection. It's quite interesting. I'd just as soon be doing this as anything else.

The Vice-Chair: I want to say to you that you have a motion before us. Are we going to deal with the motion?

Ms Gigantes: I'll withdraw the motion completely and have somebody else bring a motion that they think is better.

The Vice-Chair: Would it be an agreement of the committee then to have Mr Pond prepare some type of a draft report for next Wednesday?

Mr McGuinty: With optional recommendations.

The Vice-Chair: Optional recommendations. Is that agreed? Agreed.

1130

ST LAWRENCE PARKS COMMISSION

The Vice-Chair: Next, we're dealing with Mr David Warner, superintendent, St Lawrence Islands National Park, Parks Canada. Would you like to have a seat, Mr Warner, at the front.

Mr Warner, you've been asked to appear before the committee. There have been some deliberations going on with regard to the St Lawrence Parks Commission and I think the committee was looking for some input from you. Do you have anything prepared?

Mr David Warner: Yes, I do. It's being distributed. What I'd like to do is speak for just a couple of minutes to a piece of graphic work that I'll use at the flip chart stand, and then I'll more or less read from my notes. I'll break from time to time, but it won't take me very long to go through my notes and then that'll leave ample time for questions if that's acceptable to you.

The Vice-Chair: Thank you, that'd be great. You have half an hour allotted for your statement and questions.

Mr Warner: I'm sure that'll be more than enough.

As a bit of an introduction, I'll just draw your attention to the geographic area that I'm going to speak about, and that is the Thousand Islands.

If you look at the satellite image, you can imagine that it's the east end of Lake Ontario. The bottom centre would be the city of Kingston and as you go east along the river, you're in the Thousand Islands, and the satellite image ends just east of Brockville. The other reason for drawing your attention to this satellite image is that a predominant geological feature is highlighted there and it's called the Frontenac Axis.

If you can use your imagination, you can see a bit of a dark green colour in the satellite image that crosses more or less north-south the St Lawrence River from the United States, trending north to the top left-hand corner of your picture. That's a geological feature known as the Frontenac Axis and it's particularly relevant to what I'm going to talk about.

The St Lawrence Parks Commission has holdings along the St Lawrence River between Highway 401 and the St Lawrence; roughly from Kingston eastward out of the satellite image. I understand the committee's had an opportunity to hear briefs from other parties concerned with the same question and I understand that perhaps you've had an opportunity to see some of the facilities of the St Lawrence Parks Commission. Unless there are other questions about the satellite image, I'll leave that for the moment.

The other piece of information I draw your attention to is a brochure that I brought that concerns St Lawrence Islands National Park. It's perhaps a little more of a breakdown or a finer detail than what you see in the satellite image without the benefit of the geological features showing up.

The only other bit of introduction I will provide you is that I'm the superintendent of St Lawrence Islands National Park and that's part of the Parks Canada organizations, as is for example, the Rideau Canal, Banff

National Park, a system of parks and historic sites across the country, and we're part of the federal department of Canadian Heritage.

I'll speak now from my notes and, as I said, I'll break from time to time for some elaboration, but there'll be ample opportunity if you like to ask questions.

First of all, both St Lawrence Islands National Park and the provincial St Lawrence Parks Commission share an interest in the geographical area known as the Thousand Islands. Geologically, this area is known as the Frontenac Axis, which is another name for a narrow neck of granite rock which connects the Canadian Precambrian Shield, for example, Algonquin Park with the Adirondack Mountains of New York state.

This overlapping or shared jurisdiction is significant for a number of reasons which I'll describe later, but for purposes of background, I should note that the Frontenac Axis provides this region with a significant character and its features. These include the internationally famous Thousand Islands which are literally the tops of an ancient and worn mountain chain.

On the mainland, the rocky ridges and granite outcrops contribute to the region's unique scenic qualities. These in turn provide the basis for the region's tourist activities which include camping, boating, picnicking, fishing, touring by car, motor coach and tour boat.

In short, the region's tourist economy is based on a unique geological feature and its intersection with one of the world's greatest rivers, the St Lawrence. If you can imagine yourself driving east along Highway 401, you would come into this area just east of Gananoque and you notice quite a dramatic change in the landscape until you're east of Brockville.

This does not mean that the two agencies are working in a recently discovered wilderness area of eastern Ontario. The prehistoric record of human occupation of the region dates back some 9,000 years. Early European explorers found large native villages; one of them Tonia-ta, which is yet to be rediscovered. Early travellers and the first tourists of the 1800s remarked on the region's outstanding beauty. United Empire Loyalists settled and farmed many of the larger islands and the Canadian mainland. By the late 1800s, the Thousand Islands had become a destination area for tourists, and summer homes were being built here by both Canadians and Americans.

Against this background of agriculture, tourism and recreation, the idea of a national park was developed. At the turn of the century, local residents became concerned that many of their traditional recreational opportunities were disappearing as many of the islands were being developed, particularly by the wealthy.

Residents between Gananoque and Brockville petitioned the federal government to retain some islands for public use and enjoyment. By the way, this pressure for a national park began back in the 1870s, which is unique because there were very few national parks in the world at that time. In 1904, the government set aside nine islands in the St Lawrence and these, together with a parcel of land donated by the Mallory family at Mallorytown Landing, became the nucleus of St Lawrence

Islands National Park, one of the oldest national parks in the world.

Today, the national park is still an important segment of the regional tourist industry. St Lawrence Islands consists of 21 islands or parts of islands scattered from Kingston to Brockville. The majority of park islands have a range of facilities for boaters including docks, campsites and picnic areas. It is the only public agency which provides this number and range of facilities in the Thousand Islands.

Because it provides recreational opportunities for boaters, the national park has complemented the role of the St Lawrence Parks Commission which provides high quality recreational opportunities for land-based visitors to the region. Although the national park operates a small campground and day use area at Mallorytown Landing, it still does not duplicate the facilities and services offered by the province in this area.

The role of St Lawrence Islands National Park, however, goes beyond the provision of recreational facilities for boaters. As inventories of natural resources were begun in the 1960s and 1970s, it became apparent that the Thousand Islands region was unique for a number of reasons. Several species of plants and animals are at the outer limit of their range here. Several species are found nowhere else in Canada and can be considered threatened, rare or endangered. As well, the diversity of plant and animal species is particularly rich considering the amount of development that has occurred on the Frontenac Axis.

Clearly, the role of the national park has been to protect these resources. This responsibility is spelled out in federal legislation, the National Parks Act. Herein lies the challenge for us because the national park is very small and it cannot guarantee the protection and survival of all significant resources in the region.

When this became apparent, about 25 years ago, there were various plans prepared to address the question of whether Parks Canada could fulfil its mandate.

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Mr Curling: On a point of order, Mr Chair: May I apologize first for interrupting you in your presentation. I just wondered though for the limited time, if you could just read the summary so some questions that we have you could clarify for us later on, because I think it's going to rotate three times for the three different parties. Would that be appropriate?

The Vice-Chair: Is that an agreement of the committee? Fine. Would you maybe just do that and then we'll have a question each probably by the time—

Mr Warner: Okay.

The Vice-Chair: Thank you.

Mr Warner: By way of summary then, both the St Lawrence Parks Commission and Parks Canada are concerned with preserving the heritage values of the Thousand Islands region. The economic health of the region depends to a large extent on the unique combination of natural and cultural history, which is evident on the geological feature known as the Frontenac Axis. Both agencies have been engaged in joint planning exercises

for several years which illustrates the value of cooperation and coordination between the province and the federal government in this area.

The commission has a major influence on the development of the region and by continuing to work with St Lawrence Islands National Park and other agencies, it can help ensure the success of an ecosystem approach to land management.

The need for close cooperation is highlighted because the national park is small and its holdings are scattered islands in the St Lawrence River, yet the national park, Parks Canada, has been given a lead role in introducing the concept of ecosystem management.

The parks commission has significant land holdings, both shoreline and inland, which form a major part of the regional ecosystem. The commission therefore can also play a leadership role in protecting the heritage of the Thousand Islands region, both directly and by cooperating with other agencies. Through its careful management of undeveloped properties and recreational facilities, the commission will provide opportunities for thousands of visitors and residents to learn about and appreciate this unique heritage asset for many generations.

The Vice-Chair: Thank you, Mr Warner. Mr Frankford, do you have a question?

Mr Robert Frankford (Scarborough East): Yes, I was interested on page 5, the mention of one of a handful of land trusts in the province. In our hearings we had a lot of discussions about the private-public balance of land and responsibilities, and the question of land trusts I remember was raised and commented on favourably by one of the officials from the St Lawrence Parks Commission. Could you elaborate on what there is there and also your thoughts on whether this could be or should be extended?

Mr Warner: Yes, I'm glad you asked because I think the land trust move in general and the land trusts in the Thousand Islands are very important. It'll be very important for the future of protection and conservation of natural and cultural resources in the province. It provides private property owners with more options. For example, if they have significant, or what they think are significant, resources on their property, whether it's an old building or an archeological site or a woodlot, it provides them with an option for protecting that in the future without giving up ownership.

That's my personal view of land trusts and they can do that hopefully in the future with a number of mechanisms at their disposal: easements or just private stewardship whereby the land trust provides information to the private property owner about how to protect those resources on their land and, through a voluntary agreement with the land trust, those resources are protected by the private property owner.

It can extend to outright donation or sale of property to a land trust. It opens up a whole new toolkit of options, as far as I'm concerned, for the private property owner, who is concerned about protecting resources without having to sell their property or give it to the government. From the government's point of view, it

means those resources are protected without having to have direct ownership and control of them.

Mr Frankford: As I recall when it was mentioned, the topic was brought up, we were told that there are few land trusts in the province and it requires some clarification of federal legislation. Do you know about that and can you tell us more?

Mr Warner: No, I'm not sure what the reference would be to federal legislation. The land trust in our area evolved out of an ad hoc committee that was concerned about one particular significant piece of property called Darlingside. They proceeded to organize themselves. They became incorporated and now have charitable status, so they're a bona fide, non-profit organization functioning as a land trust now. They're relatively new, so they spend a lot of their time getting organized. Now that they have charitable status, they'll raise funds, they'll encourage membership, but I don't think they need to wait for any other legislation, federal or provincial, to do their work.

The Vice-Chair: You have three minutes left, if there's anybody else who would like ask some more questions. I'm allowing seven minutes to each party. If you haven't anything further, then we'll move on to Mr Curling.

Mr Curling: Mr Warner, thank you for coming. We have, as you know, been reviewing the St Lawrence Parks Commission and there's no doubt that again I am extremely impressed with the great asset that is there and what can be done with it.

We're also concerned—and especially Mr Cleary, who would have wanted so much to be here to ask some of those questions because he has raised some of the concerns that I know you must have heard about; for instance, the closing of the parks, some parts of the parks. From time to time he would voice the fact that tourists will be coming in from the United States and not even knowing that the parks will be closed. I know there must be some good rationale as to why this is so.

But the question he would have asked if he were here is whether or not these parks that are run by the government and closed should not be leased to the private sector to conduct the operation, continue to provide that service to the public and also to generate some more money within the community.

Mr Warner: Right. It's difficult for me to comment on because I don't work for the St Lawrence Parks Commission, although I know it has leased out some of the campgrounds that were closed and there are some that are still not open that were closed a few years ago. I'm not sure where their efforts lie right now, whether they're going to try to reopen all of them under a private lease arrangement or whether they're going to remain closed.

From the point of view of a private citizen living in that area, I know there are camping opportunities available and the busiest campground is at Ivy Lea. It's still open. It runs at almost 100% occupancy. It's well known. It's very popular. The other one that was closed some years ago was Brown's Bay, just east of Parks Canada headquarters. I understand from talking to parks commis-

sion staff that Brown's Bay was one of the least heavily used campgrounds and that was the main reason why it was closed.

As for people not knowing where camping opportunities are in the area, I really can't comment on it. The province has an excellent tourist information bureau on Hill Island at the international border coming into the area. There's a second one operated by the Rideau Lake-Thousand Islands travel council on the Thousand Islands Parkway, which also provides information on a range of camping opportunities in the area. I really can't comment outside the Thousand Islands. I know there are other campgrounds that were leased out and some that remain closed outside our area, but I'm sorry, I'm not familiar enough with them to comment.

Mr Curling: Do you see at all that any of those closures have any negative impact? I'm talking about those that are operated by the government itself. Do those closures have any negative impact on the economy there? Because to my understanding, and I'm no expert on that, I understand they would come to these parks. Now they are closed, and there are reasons why. At one stage, I heard there were some union concerns, a disagreement, and it was closed. Are you familiar with that?

Mr Warner: Not intimately, just what I've read in the newspaper, that some campgrounds remain closed and some have been reopened. I just want to reiterate, the one I'm familiar with near where I live is Brown's Bay campground and it was very underutilized, and I think that was one of the reasons why it was closed. That's not to say it couldn't reopen, but the statistics that I heard from the St Lawrence Parks Commission indicated that it was not a heavily used campground.

The other point I'd make is that there are private campgrounds in the area as well that operate in the Thousand Islands region, plus a provincial park called Charleston Lake nearby. So there is a range of camping opportunities in the Thousand Islands that I'm aware of. As I said, I can't comment on outside the Thousand Islands region about other campgrounds because I'm just not familiar with them.

1150

Mr Curling: It was felt too that to utilize the place more, some of the traffic that we have, for instance, in Toronto at certain times of the year could be redirected up into the St Lawrence to utilize those great assets there. Is there any suggestion, any recommendation, any thought you have on that, how that could be done?

I'll give you an example. For instance, they say in August, which we know, for the Caribana effort here, millions of people come to the city. Beyond that, it's not only Toronto that has these great assets of wealth, of things that we have in our country, but somehow some of that traffic could go to the St Lawrence park area, the Thousand Islands area. Do you have any thoughts on that or any concern that this could be done?

Mr Warner: Just a couple of comments: Parks Canada's involvement is of course related to tourism, because we provide a range of facilities on the islands for boaters. We're also working more and more closely with

local communities in promoting tourism generally.

My personal observation is that events like Festival of the Islands in Gananoque which is held in August do attract a number of people who would not otherwise travel to our area at that time of year. So perhaps it's through the promotion of special events like this that we could help balance things out from one month to the next.

As far as the boating public is concerned, and that's the clientele that I'm more familiar with, there is a bit of a dropoff in August. But the fact is, interest in boating is growing and it will continue to grow for some time, and August is still a very popular month to travel to the Thousand Islands. I can't think of any special recommendations as far as the boating public is concerned in that regard.

The Vice-Chair: I'll use 30 seconds of Mr Curling's time. You say there's more use of boatage on the system. Why then are they cutting the hours back on the St Lawrence system?

Mr Warner: By the "St Lawrence system," what do you mean?

The Vice-Chair: The Trent-Severn waterway.

Mr Warner: Oh, the Parks Canada system. I understand that's an effort to help balance the budget, but again, I'm not the superintendent of those areas.

The Vice-Chair: Mr Runciman.

Mr Robert W. Runciman (Leeds-Grenville): David, you've been at the Mallorytown national park for quite a number of years now. I'm just wondering, when we're taking a look at the parks commission, trying to come up with some recommendations in terms of its operation, do you see any overlaps in terms of the things you're doing and that the parks commission is doing so that perhaps we could either be cutting back in one area or doing it jointly? Do you run across those kinds of things on occasion, and could you tell us what they are if indeed you do?

Mr Warner: I guess one of the points I was trying to make in this paper is that we think we've addressed that in the past several years, so that we've cut out or tried to avoid obvious duplication. Our role is one of resource protection and presentation of those resources, whereas the parks commission is more heavily into recreation.

Mr Runciman: So you don't see any, is that what you're saying?

Mr Warner: If there is, in my view it would be fairly minor. We both try to protect a good part of the ecosystem, and the St Lawrence Parks Commission has undeveloped lands in the area which complement our role, the Parks Canada role. We have a small campground at Mallorytown Landing. One might argue that it's a duplication if there's a better campground down at Ivy Lea, but I think if we focus our efforts at Mallorytown Landing on education and environmental awareness, that will avoid that duplication.

Mr Runciman: What kind of year did you have at Mallorytown Landing?

Mr Warner: Camping was up a little bit, as was day

use. We had, as you know, good summer weather, so it was a fairly good year. Camping at Mallorytown Landing is still not at the levels it was, say, 10 years ago. There's been a dropoff there.

Mr Runciman: I guess I'm curious. A number of years ago there was a proposal on the table—I can't recall what the political stripe of the government was at the time—to develop what they called an interpretive centre along the parkway. You have, I guess, an interpretive centre at—

Mr Warner: A very small one.

Mr Runciman: It's a small one. But it seems to me that's the sort of thing both levels of government could work together to develop. It made good sense to me at the time that it should be developed perhaps jointly at the Mallorytown Landing site. Maybe there were some limitations there in terms of land, I'm not sure, but I know the government of the day, or whoever, perhaps it was the commission officers, decided at the time that they were going to go to Landon Bay, which is closer to Gananoque. I guess I'm wondering if you see that sort of thing in the future. Why couldn't the two agencies, the federal and provincial agencies, work together to develop something along those lines?

Mr Warner: I find it hard to speak for head office, but from my own point of view, from Mallorytown Landing, yes, it still makes sense for us to cooperate and try to develop a facility that we could run jointly. Whether it's a brand new building, I'm not sure we can afford that. There is a provincially owned facility at Reynolds Road which is now a tourist information office. Off the top of my head, that's something that maybe we should look at jointly, even including the current occupant, which is the Rideau Lake-Thousand Islands travel council. The Gananoque chamber of commerce, the Thousand Islands chamber of commerce, Parks Canada—there are a number of agencies in the area that could benefit from that type of facility. I think the order of the day is partnerships, and the more partnerships, the more viable—

Mr Runciman: With the private sector perhaps.

Mr Warner: Yes.

Mr Runciman: Do you sit down on a regular basis with officials from the parks commission to talk about these kinds of things?

Mr Warner: Yes, we do.

Mr Runciman: Brainstorm about what you could be doing along the parkway and other areas?

Mr Warner: We do from time to time. In fact I met with a couple of officials just yesterday from the commission on signage. We provide interpretive educational signage along the parkway, and we'll continue to do so as long as we can afford it. We get together on a regular basis to discuss where that educational message should be conveyed.

Mr Runciman: My colleague has a question.

Mr Noble Villeneuve (S-D-G & East Grenville): Do you compare fee structures? I gather you have a campsite at Brown's Bay. Do you compare fee structures with the private sector, the parks of the St Lawrence etc? Are you

aware we have the private camping association being concerned that the government owns prime waterfront property and yet may not be charging sufficiently, and in competition with the private sector that is unfair? How do you handle that?

Mr Warner: I think how we handled it in the past perhaps isn't as important as how we're going to handle it in the future, because I think both agencies have been put on notice that we have to work more quickly towards self-sufficiency. Speaking for Parks Canada, we're increasing our fees at Mallorytown Landing at our picnic area. At our docking facilities on the islands the fees will increase and they will continue to increase. The same for camping on the islands.

Parks Canada has been looking at those recreation facilities that are of personal or private benefit to the user and trying to match the fees with the benefit the user is getting from those rather than relying on a subsidy, so I think you'll see us increasing our fees, closer to what the private sector would be charging for similar facilities in the area.

Mr Villeneuve: Would you say your facilities are as good or better than most privately owned operations?

Mr Warner: It varies. In the case of docking facilities on islands, it's hard to compare because the city of Brockville is the only other agency with docking facilities. So in a sense there is no comparison. When it comes to camping facilities on the mainland, our campground is below standard. We do not provide the range of facilities that a private campground would at

Mallorytown Landing. Our campground is some 50 sites. It's very—

Mr Villeneuve: All serviced?

Mr Warner: No.

Mr Villeneuve: None serviced?

Mr Warner: Just hot and cold running water and flush toilets; no showers, no hook-ups.

The Vice-Chair: Thank you. You've exhausted your time, and I'll allow two minutes for Ms Gigantes if she would like.

Ms Gigantes: I just wanted to make sure that nobody was left with the impression that Brown's Bay was not open and used by the public. It's very active, just not for camping.

Mr Warner: Yes. When I was addressing that question, it was in reference to a campground.

Ms Gigantes: That's right.

Mr Warner: The picnic area at Brown's Bay complements what we have at Mallorytown Landing. It's a very active and very busy facility, and we refer a lot of people there, particularly tour buses.

Ms Gigantes: Very pleasant, yes.

The Vice-Chair: I thank you for appearing before the committee today. Your input will be a great asset to us, and thank you once again.

This committee will adjourn and the subcommittee will meet for five minutes now to deal with a couple of basic items.

The committee adjourned at 1201.

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Martin, Tony (Sault Ste Marie ND) for Mr Waters

McGuinty, Dalton (Ottawa South/-Sud L) for Mr Cleary

Also taking part / Autres participants et participantes:

Runciman, Robert W. (Leeds-Grenville PC)

Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Wednesday 30 November 1994

Journal des débats (Hansard)

Mercredi 30 novembre 1994

Standing committee on government agencies

Draft report
Ontario Council of Regents
for Colleges of Applied Arts
and Technology

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STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Wednesday 30 November 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mercredi 30 novembre 1994

The committee met at 1009 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mrs Margaret Marland): I would like to call this meeting of the standing committee on government agencies to order. The first order of business this morning is the approval of the subcommittee report, which is dated November 23, 1994, and reads as follows:

"Your subcommittee met on Wednesday, November 23, 1994, to consider future business with respect to the committee's review of the Ontario Council of Regents for Colleges of Applied Arts and Technology.

"Your subcommittee recommends:

"That the committee review the draft report on the Ontario Council of Regents on Wednesday, November 30, 1994; and

"That the committee review the final draft report on Wednesday, December 7, 1994."

Is there any discussion on that subcommittee report? All in favour? Carried.

DRAFT REPORT
ONTARIO COUNCIL OF REGENTS
FOR COLLEGES OF APPLIED ARTS
AND TECHNOLOGY

The Chair: We will now give direction to Mr Pond, who's sitting here poised with his pen and his notepad, on the review of the Ontario Council of Regents for Colleges of Applied Arts and Technology.

Ms Evelyn Gigantes (Ottawa Centre): Could I suggest that I think in general that readers of this report would find it a useful one if they hadn't participated in the hearings and that, perhaps to move our work along, if we turn to the draft recommendations and just proceeded through them, we could focus what we're doing this morning?

The Chair: That's fine with me.

Mr David Pond: Top of page 32.

The Chair: All right, the floor is open. Would you like to just take us through that first recommendation, David.

Mr Pond: The draft recommendations and options start on page 32. Just to finish this off, the first 31 pages are the general narrative of how the agency works, and I've cleared it with the Council of Regents to ensure that the narrative is accurate.

To start with the draft recommendations and options, the first one is the role of the Council of Regents. Members will recall that a principal topic of discussion during the hearings was the Council of Regents' role in

introducing college standards and accreditation and its relationship to the College Standards and Accreditation Council, CSAC, and the Council of Regents' responsibilities for introducing prior learning assessment, otherwise known as PLA.

I won't read this. The Council of Regents' position is summarized on the bottom of page 32 and the top of page 33. If I could summarize it in a phrase, I would say that the council's position is that it's only concerned with implementing the concepts at a system-wide level, it's not concerned with implementing the details of the concepts at the operational level. That would be left up to the colleges themselves.

The council also said with regard to CSAC that while it had formal administrative responsibility for the council, it exercised no direct day-to-day responsibility over CSAC. CSAC itself said that it was substantively independent of the Council of Regents.

Moving on, I guess the principal witnesses on this issue, other than the council itself, were the Council of Governors and the Council of Presidents, which together are known as ACAATO, the Association of Colleges of Applied Arts and Technology of Ontario. The Council of Governors' position is summarized on the bottom of page 33, top of page 34. The Council of Presidents' position is summarized on page 34.

I think it's probably fair to say that ACAATO has a different position than the Council of Regents on these issues. I guess ACAATO, to summarize very briefly and no doubt crudely, believes that the Council of Regents has exceeded its advisory role, that it has strayed into the realm of operational matters, that the council is now making policies which the presidents and the governors will be accountable for in the local communities, even though, allegedly, the presidents and governors have no direct control over it. I could go on. The presidents have some substantive concerns about the content of PLA. They feel it dilutes the credibility of an academic credential, and so on and so forth.

Another subtheme here was the role of the colleges' local program advisory committees. The presidents and the governors feel that these committees are now being bypassed by these new, allegedly centralized reforms introduced by the Council of Regents.

Then, on page 35, I summarized very briefly the principal statements of other witnesses on this particular issue. Again very crudely, they tend to line up either on the side of the Council of Regents or on the side of ACAATO. I'm being very crude and unfair here, but in

the interest of time, I'll put it that way.

In italics on page 35 are some options you might want to consider for your recommendations. They're pretty self-explanatory. It's either 1 or 2. Then, depending on whether you choose 1 or 2, you might want to consider 3.

I'll stop there and leave it up to the members.

Ms Gigantes: First of all, thank you for that. On page 35 what our researcher has indicated to us is that there were three principal comment sources on the role of the council, which is essentially what concerns our mandate here. We're looking at the role of the council, as I understand our mandate. There are a lot of other matters which have been discussed before the committee, but that was what we are charged to look at.

On page 35 we've got a very brief summary of some of the other contributions; when I say "other" I'm referring to other than what our researcher is calling the three main contributors to the discussion of the role of the council.

First of all, I'd like to see those comments expanded a bit more, because it tends to suggest in this report that we don't consider what they had to say as having the weight of other people's contributions. I'd like to see the people identified as to their involvement in the issue, whom they represent, what their experience has been. For example, Garth Jackson is the chief executive officer of OTAB, the Ontario Training and Adjustment Board, and he is the former president of Canadore College. There is no mention of the comments that were made on the subject of COR and the appropriateness of COR's role in the whole prior learning assessment task by the students who were represented before this committee. I'd like to see that section, starting at the top of page 35, given a bit more flesh, as it were.

I'd also question bullet number 4 at the top of page 35, which says, "Charles Pascal"—without identifying him—"and Walter Pitman"—without identifying him—"argued that CSAC should be kept independent of the ministry, the Council of Regents and ACAATO." That almost suggests as if they said that this was not occurring now. Neither of those gentlemen suggested any such thing, so I think we should be a little more subtle in how we explain their position. They agreed that in fact there should be independence by CSAC, but they didn't see that there was any challenge to the independence of CSAC, and we had various comments from other witnesses also who gave their views that CSAC was independent.

This relates very closely to the whole main issue that is before us at the committee, which is the appropriate role for COR. When we look at the appropriate role for COR and we look at its relationship to CSAC, I think it's important for us to give weight to the fact, first of all, that Vision 2000 did suggest quite specifically that a function such as the CSAC function should be undertaken, that it should be taken in a way that is operationally independent from any other body associated with the administration of colleges and that it should be associated in an administrative way with COR.

If I could quote from Vision 2000, it said that CSAC "should be independently associated with the Council of Regents for organizational purposes and retain its independence." That's precisely what CSAC is, and the only direct relationship with COR in terms of the considerations of CSAC is that COR has one representative in the CSAC group. Apart from that, the operational independence is total. The administrative shelter which is provided by the Council of Regents is what was recommended by Vision 2000.

I think we have to be careful on the top of page 35 not to suggest, for example, which I think is suggested by bullet number 4, that Charles Pascal, unidentified, and Walter Pitman, unidentified, are in any sense suggesting that CSAC currently is not independent. They were underlining that they felt it should be independent. They didn't have any question that it did operate in an independent fashion as it's currently constituted in its relationship with COR.

The Chair: Well, Ms Gigantes, maybe we could address your concern quite simply in bullet point 4 by, after the word "should" and before "be kept," just adding "continue to." In other words, "Charles Pascal and Walter Pitman argued that CSAC should continue to be kept independent of the ministry...." Would that be acceptable?
1020

Ms Gigantes: Yes, that would be fine. I would, however, also ask that our researcher take a look at rounding out the identification of people and also including, and I think also rounding out, their points of view a bit, because it makes it sound as if what they had to say is much less important than what other people had to say, and I don't believe that, and also including comments from the student representatives who were before us.

The Chair: I just wanted to ask Mr Pond—I was trying to look through the report ahead of that page. The first time that you refer to Mr Pascal or Mr Pitman, I'm sure you do have a definition of who they are.

Mr Pond: I probably do for Mr Pitman, but probably not for Mr Pascal. It's certainly no problem putting all that in.

Ms Gigantes: The problem is that some people will pick up the report and look only at the recommendations. That's why I think it's important to have that fully rounded.

The Chair: That's a good suggestion. We'll add it.

Mr Dalton McGuinty (Ottawa South): Just to get to the heart of the matter, it's my personal sense that the Council of Regents should retain its role as one where it's primarily responsible for implementing CSAC and prior learning assessment. But there's a problem, and that became very clear during the course of the hearings. I think I've spoken now with every college president and a representative of every governing council. There is a very real problem, and that is that there's a lack of trust today in our colleges of the Council of Regents.

It's my opinion that the presidents and governors are attempting to address this problem by saying that responsibility for CSAC and PLA should be removed from the Council of Regents, but it's also my sense that if there

was that trust, if there was seen to be a greater relationship built on cooperation between the council and the governors and the presidents, then they would not be making these demands, they would not be asking that this function be removed from the council.

I think the question for us to ask, and one that has to be addressed, is: How do we ensure that our Council of Regents and our presidents and our governors are acting together in the best interests of the college system in general and of the students in particular? That's not an easy question to answer, but I've put my finger on what I think is the critical problem here in that there's simply a lack of trust between the council, the presidents and the governors.

This is partly a problem of personalities, partly a function of approaches, partly a function, given some of the problems that I've looked at, of somebody not picking up the phone and talking to somebody else and asking how we can fix things if there's something that's wrong.

There is a general sense felt by many of the presidents and governors that things are being imposed from on high as a result of discussions in a rarefied atmosphere in a room in a tall building in downtown Toronto. That's obviously a recipe for disaster if the people on the front lines feel their concerns really aren't being taken into account.

That manifested itself in some of the concerns that arose out of the general education obligations that were imposed on our colleges whereby our colleges were supposed to implement a new component to education. It was seen by many people in the technical fields that this was detracting from the technical education they were trying to give their students and it has been seen as general education would be given at the expense of the technical education.

That's just one symptom again, I say, of a larger problem where we have in this province today—it's unfortunate and I'm not exactly sure how to address it—a lack of trust between the council and the presidents and the governors.

That's it for me for now, Madam Chair.

Mrs Dianne Cunningham (London North): Just on the point, I'm not worried about the wording where, if Ms Gigantes is concerned about the bullet point 4, I'll speak to that first of all, but it's clear in everything that leads up to it that there was a concern by Mr Pascal that there may be a perception that it's not independent of the ministry. That was written in the report. I'm absolutely positive it stayed in this version. I can't find it, but I read it late last night so I'm not going to look for it.

It doesn't worry me about putting any words in except to say that, certainly from my point of view, the perception is what we've all been concerned about, and I think what we did learn from the hearings, both from the Council of Regents themselves—they had no intention of being in charge of CSAC, but all of us were concerned about how we could correct the perception. In my view, that's what we have to deal with, and how we do it I think is up to us and I hope we can have an intelligent

discussion around that.

One of the recommendations that I would support is that the ministry formally review the mandate of the Council of Regents, and the reason that I would support that is not just because of CSAC but because of the legislation itself about the role of the Council of Regents.

I think now that they've got the concerns—the ministry, that is—because of the committee hearings, it would be interesting to see what they themselves can come up with in working with their own colleagues. I think they could come up with something. I don't think anybody was stuck in a corner on this one; it's just that it's a very real perception. I really did appreciate the public hearings in this regard, but I don't know how to correct the perception.

I was told that administratively they may have put another person at the helm of CSAC, as opposed to Mr Johnston. I'm not sure if that happened, but it came out either in the discussions privately here in the room or as a matter of public record. It may have been Mr Johnston himself.

I think everyone was convinced that it wasn't the intent that they, meaning the Council of Regents, take control of CSAC, but I think in listening to the members of different boards of governors and the presidents that the perception is out there. It's not what we do; it's how we do it. Certainly on a day-to-day basis there have been reasons for the perception.

I don't know how the other members feel, but I don't think we can correct it today and I think the ministry itself should be formally reviewing the mandate of the Council of Regents and taking into consideration the problem we have with that perception. I don't think anything more needs to be said about that at this time, if this is the point that we're talking about. I want to stay on the agenda. Is this what we're talking about now?

The Chair: What you have to do this morning is say which recommendations you want and—

Mrs Cunningham: That's correct, but we don't have a lot of time, so I think we should be going through the report methodically, and that's why I was making the point I was. There are eight different areas we have to take some action on, not just this one, although this is one of the larger ones. The other large one is whether we give direction to the ministry with regard to the concern about governance; that is, do we go to a constituency-based model or a community-based model and what's the intent? I think there is room for discussion around that one and I would like some direction on that. The others I'm not as concerned about, but those were the two large concerns that caused us to ask for this review of the Council of Regents, which I think was very healthy.

1030

The Chair: The writing of the report is entirely in the hands of the committee. You just give the direction to Mr Pond, and where he has these drafts, you can take either/or or do a text change totally in any of them. It's entirely up to the committee.

Mrs Cunningham: Mr Pond didn't have a lot of time and I like the way he organized it for us. I know there

are a number of places where we could be changing words and what not, but I'm interested in dealing with the recommendations, because even the point that was made with regard to the recommendation you made, Madam Chair, "should be kept independent" or "should continue to be kept independent," I don't think "continued" or anything even matters. Mr Pitman and Mr Pascal both argued that there was a concern here. It may just be perception, but there was a concern. I don't want to get into the semantics of it, but I want to deal with it. What do we do about CSAC, what do we do about governance and what do we do about the other issues? I think sooner or later we better get on to it, because we've only got an hour and a half left.

The Chair: Actually, we don't have an hour and a half.

Mrs Cunningham: What have we got?

The Chair: We have 25 minutes, because this part of this meeting finishes at 11.

Mrs Cunningham: And when else do we deal with this report?

The Chair: Next week. It was for an hour today, from 10 until 11. I have Mr Curling, Ms Gigantes and Ms Witmer.

Mr Alvin Curling (Scarborough North): I take the kind of view like Mrs Cunningham has said, if we're dealing with the report, to make sure the perception of the role of COR is quite defined. There are concerns in the colleges about the kind of role COR is playing, whether or not it has gone too far maybe in the operational part of things, for example in dictating or determining about curriculum. They are also concerned that COR moved somehow more into a ministerial role than more or less an advisory role, and also that when COR meets, the contribution of the presidents who sit at the table with COR should be worth something.

I would say as the report is drafted, in the final part of it, that perception is seen, that it is not another ministry that has been set up, so to speak, so that it flows in a way that is a matter of cooperation and all, and then we can get into the specifics afterwards.

Ms Gigantes: I think the discussion we're having now really in some sense is about what our job is and how we're going to tackle our job here. I think our job—I said it once and I'll say it again—is to report to the Legislature on our review of the role of COR and how COR is carrying out that role. Key to that, as mentioned both by Mr McGuinty and Ms Cunningham, is the discussion that was brought before us in an extended way of the relationship of COR to two major initiatives going on in the college sector, namely, prior learning assessment and the review of standards and accreditation.

I heard from both Mr McGuinty and from Ms Cunningham that the process of our hearings had in fact led them to a degree of comfort about the role that COR carries in the carrying out of those two tasks. If I could put it as simply as possible, when it comes to the question of standards and accreditation, the operation of CSAC is, despite concerns that have been raised, independent. We had witnesses from all sides who told us

that, and as committee members, I think we can report to the Legislature that we felt satisfied that that's the case: that CSAC is operating independently; that CSAC's task is an important one which this committee recognizes as an important one; that it operates independently of any other agency on behalf of the minister; and that CSAC has administrative assistance from COR.

The question of prior learning assessment was also thoroughly discussed before us, and I think there is agreement among committee members that in fact COR's role in carrying out the first three years of the prior learning assessment task on behalf of the consolidated colleges is one which is supported by committee members. We all feel it's an important task, we feel it's important that it be done by a group which can carry it forward on behalf of the whole system, and we feel that the group that's been constituted to carry it forward is properly constituted and that it's carrying it out in an appropriate way.

If we can come to an agreement on those two matters, I think it's important for us as committee members to report that to the Legislature. We asked the question; we got some answers; this is our conclusion. If we can't deal with our conclusion, then we're not carrying out our own role. We've made a conclusion. We have to state our conclusion and bring that to the Legislature in this report. It's at the heart of this report to the Legislature.

The Chair: The role of the committee when we review an agency is to review any aspect of that agency. So it can be a very full, wide scope of anything that agency is involved with as part of its mandate.

Ms Gigantes: But these were the two key issues that had been raised before the committee started its hearings that were fully canvassed during the committee hearings and where now, on all sides, committee members have come to conclusions.

The Chair: I'm not debating it with you, Ms Gigantes; I'm just confirming for all committee members that there is a very wide and full scope available to all of you.

Mr McGuinty: I want to be perfectly clear that I think the report should draw a conclusion and that there is a problem with relations. Again, I want to make it clear as well that the best place for CSAC and PLA is with COR, period. But there's a caveat, there's an addendum: There's a problem with relations between the Council of Regents, the presidents and governors, and I haven't been around this place too long, but I've talked to a lot of people about this and I think relations may be at an all-time low.

There are 23 colleges, plus two more now, and I guess the concerns that I have are particularly heightened because of the source, and that is from college governors. College governors are volunteers. They don't get a piece of the action, they have nothing to gain, there's no power trip by sitting on your local college board of governors. They're there because they want to act in the best interests of the colleges, and they are telling us that there is a problem, and we should recognize that. I think that's something we have to attempt to address, and the least we can do is bring it to the government's attention.

I'm not disagreeing with the mandate that's been given to COR with respect to CSAC and PLA, and I agree with much of Ms Gigantes' previous comments, except I do not believe that they're carrying out that mandate appropriately. If they were, then there would be better relations between the governors, the presidents and the council. That's the crux of the problem, from my perspective. Relations are poor. The report should make specific reference to that, and whatever the Minister of Education and Training wants to do about that, then fine, that's up to him, but I think our obligation is to report that.

1040

Mr Tony Martin (Sault Ste Marie): I kind of like what I'm hearing here in that there seems to be some consensus around some important issues. Mr McGuinty just stated them and I thought I heard Ms Cunningham a little while ago say somewhat the same kind of thing.

Certainly there is some struggle going on at the moment, and I think it's inherent with the kind of work that CSAC and PLA are trying to do. I don't think, from my experience in working with and on boards and with different organizations that are being challenged to rise to an occasion, which is I think what's happening here, that there isn't some area of difficulty and difference of opinion etc. I think myself that's what's happening here, and in my mind, given the people who are involved and the commitment of the colleges and the people on CSAC and PLA and the Council of Regents to making the college system in Ontario the best that's possible, I don't see where this won't play out in the end to a result that will give us that.

I don't know how you put in place any kind of structure or organization that's going to guarantee you that there isn't going to be that kind of difference of opinion, particularly when you look at the newness of this and the challenge it presents in the middle of a very difficult economic time to implement it. As I said last week, my conversation with the president of my local college stated very clearly that in this, particularly for the smaller colleges, there are some tremendous financial ramifications. So there's some unease and anxiety around that, and I think that's all part of what's driving this.

For us to all of a sudden in the middle of that change streams or change the horses or whatever I think could be starting from scratch again, starting the whole thing all over again and creating even further turmoil.

So I would agree with you that what we have here re PLA and CSAC under COR is rolling out, is experiencing some growing pains, some challenges. However, I don't share an opinion, if there is one in the room, that this is insurmountable or somehow different from other experiences and that it won't in the end resolve itself so it does achieve what was hoped in the Vision 2000 paper when they suggested very clearly that this is what happen.

On the issue of governance, which became actually in many ways the more dramatic of the issues—

Mr McGuinty: Tony, may I interrupt you for just a moment?

Mr Martin: Sure.

Mr McGuinty: Mr Martin's moving into the issue of

governance. I wonder if it's possible for us to wrap up this section and then get into governance so that we can move on and leave this thing—

The Chair: We only have until 11 o'clock this morning, and Mr Pond also wishes to speak, so maybe at this point I will let Mr Pond respond.

Mr Pond: Just to sum up, just so I'm absolutely clear about what the committee is agreeing to—

Mrs Cunningham: Before, I want to speak to just one piece, and then maybe he can sum up.

The Chair: All right.

Mrs Cunningham: There is a memorandum of understanding between the Minister of Education and Training, CSAC and the Council of Regents I would like to put on the record, dated February 12, 1993, when CSAC was established by order in council. I think this memorandum stresses, and I'm going to quote, that "the effectiveness of CSAC will depend on the extent to which it can operate and be perceived to operate independent of the interests of any single organization, including the government."

I'm going back to the bottom line, and that is, because it was not perceived to be operating independently and because, in spite of anything anyone might say, it's not just a concern of those of us who are representing different colleges and universities—there's no doubt in my mind that every college has made a statement of concern in this regard—we can't ignore it.

Those of us on the committee felt that it is operating independently, but it is not perceived to be operating independently. I think it's up to the government to correct that and so I'm not agreeing with what's been said. I want to go on the record. I was not convinced that the colleges are convinced, because of these public hearings, that CSAC is operating independently. I have been in touch with the colleges, the presidents and some of the boards of governors. They still would like the government to look into that.

I am in favour of one of the alternatives that we have, on page 35, which says—it's a question: "Should the ministry formally review the mandate of the Council of Regents?" I say yes, because this is a role that has been added, a responsibility that has been added, even though it's at arm's length and because the Council of Regents' role is in legislation, if this is something that is at arm's length, I think the legislation should be reviewed and it should be stated in that regard.

That's my position after hearing what I have heard and I've gone back to the beginning. I wasn't around when that particular memorandum was drawn up, but I certainly did read that in a document that we all received in responses to questions of the standing committee of government agencies submitted by the Ontario Council of Regents themselves, just putting everything into perspective.

I don't agree we should tell the government that everything's great, because it isn't. It wasn't when we started and we haven't done one thing to make it better and neither has anybody else, except to be reassured that there is some room for improved communications. But

we can't make that happen here. My view would be that this committee should tell the ministry that they should review the mandate of the Council of Regents and I would put that as a recommendation, with particular emphasis on the administration of CSAC, with a view that it not only operate independently of COR, but that it be perceived to operate independently. That's my recommendation or my motion, Madam Chair, and we can see what happens to it.

Ms Gigantes: Have you recognized a motion, Madam Chair? We don't have anything in writing before us. I think if Ms Cunningham wants to put a motion and frame it the way she's just suggested, then we should have it and deal with it, because I'm quite prepared to discuss that; but let's focus.

The Chair: Usually, when we're doing a report at this point, we don't formalize them in motions, but if this is going to be a point at which there would not be some kind of consensus, except in the actual wording being finalized by next week, I'm happy to take it as a motion if the committee deems that necessary.

Ms Gigantes: I think we'd better have it as a motion because I don't think there is consensus.

Mrs Cunningham: Madam Chair, my motion evolved from one of the options on page 35, possible recommendations, which I thought we were coming here to deal with today. Unfortunately, I went through the whole report and have circled a recommendation for all the sections, because that's what I thought we would be doing. It's so frustrating. That's mine on this one. Actually, Ms Gigantes raised this one first and that's why we're dealing with it first. So that's my motion.

The Chair: You're right. We are here to deal with this report.

Mrs Cunningham: I thought so. I certainly came prepared.

The Chair: Okay, so your motion is as on page 35. Are you just taking that one sentence out?

Mrs Cunningham: I think I got my message across, the intent. To make it simple for everybody, I would say that the ministry formally review the mandate of the Council of Regents with regard to the operations of CSAC and its independents. Because if I don't get that in the motion, people might think I want to review the whole Council of Regents' role, which is not what I'm talking about here; I'm talking about in relation to CSAC.

If somebody's got another way of putting it that they could support, I'd be interested in hearing it, because I'm not going to be married to these words. I want everybody to agree that that be the problem and that the ministry review the mandate itself.

The Chair: Okay, discussion on that motion.

1050

Ms Gigantes: I will not support that motion and I'll take a moment to say why. Both opposition critics have said to us that the process of the committee hearings, the testimony of the witnesses who came before us, has brought us to the conclusion that in fact CSAC is being carried out appropriately—no, I will take that word back—

Mrs Cunningham: I hope so.

Ms Gigantes: —because that was contested, but that it is being carried forward in an appropriate way. But what they're saying is, there is a perception that it is not. What is the point of having hearings which convince members that what is happening is happening in the way it should, except that somebody out there perceives that it's not happening in the way it should? Where does reality begin and fancy take over on matters like this?

What is the purpose of a committee hearing if not to establish what is real here? What was established to the satisfaction of members of this committee, including the opposition members, was that the work that is going on in CSAC is the work that should be going on in CSAC, that the "problem" that has been raised is a problem of perception. I think that—

Mrs Cunningham: Madam Chair, I'd like to speak to that.

Ms Gigantes: Excuse me, Madam Chair, I'm trying to explain my opposition to this motion.

The Chair: It's all right. Ms Cunningham—

Mrs Cunningham: At the appropriate time.

The Chair: Excuse me. I think Ms Cunningham was just indicating that she wants to be down. I have you on the list. Carry on, Ms Gigantes.

Ms Gigantes: Thank you ever so. It is our duty as members of a committee in hearing witnesses to come to a conclusion about what is real. It is our duty to separate so-called perception from what we find to be reality. Anything less is an abdication of our duty. Anything less is to say perception is more important than reality. I might say that I, as an individual member of this Legislature, have perhaps a keener sense of the need for us to take on that duty with seriousness than some other members of this committee might have.

Mrs Cunningham: Good for you.

Ms Gigantes: You will reflect on why that is.

Mrs Cunningham: Good for you. I wish I were as good as you were, obviously, and felt that way about myself. I can't believe you said that, Evelyn.

Mr Martin: Let's not be rude.

Mrs Cunningham: Rude? "I think I'm better than everybody on the committee and understand things more"?

Mr Martin: She's saying to you that she's had ministerial—

The Chair: Excuse me, Mr Martin and Ms Cunningham.

Mrs Cunningham: We've got somebody here who's been a faculty member of a college, for heaven's sake, and somebody says, "I think I'm better qualified."

Ms Gigantes: If I could, Madam Chair—

The Chair: Excuse me.

Interjections.

Mrs Cunningham: It's a joke, the whole thing.

Mr Curling: Of course it is.

Interjections.

Ms Gigantes: I had to leave a cabinet post, Madam Chair, because people said that perception was as important as reality.

Mrs Cunningham: Perception is part of—you didn't listen—the regulations, for heaven's sake. That word is in there.

Ms Gigantes: We have discovered, as members of this committee, and members of this committee opposite have said, that the reality is that CSAC is working well. There is a perception, they say, that there's a problem.

Mrs Cunningham: Bull.

Ms Gigantes: Is that parliamentary, Madam Chair? Really, what's the matter with you, Dianne? Why can't I say my piece?

Mrs Cunningham: Madam Chair, I would like to answer that question.

The Chair: I think the debate is deteriorating—

Ms Gigantes: It certainly has.

The Chair: —and I would ask members to use some restraint. We are down to the last three minutes that we can spend on this—

Mrs Cunningham: And the idea is that I'm not going to be able to talk about what "perception" means. That's the idea.

The Chair: I think in fairness we should allow time for all members to—

Mrs Cunningham: We can go on accusing people of not knowing what "perception" means, and not having a chance to defend yourself because somebody says it over and over again is very frustrating, Madam Chair. I'd like to say it isn't just perception.

Ms Gigantes: You're being a bully, Dianne. You won't even let me finish saying what I'm going to say.

Mr Daniel Waters (Muskoka-Georgian Bay): Is this a point of order? Wait your turn.

Ms Gigantes: What behaviour that is. It's absolutely ridiculous, Madam Chair. I appeal to you for some assistance here.

The Chair: Members, I'm going to adjourn this committee in a minute if we don't have some order. Ms Gigantes has the floor, and I think in fairness if you can sum up quickly, Ms Gigantes—there won't be any time for the opposition to speak further on this matter today in any case, because we do have scheduled appointments at 11 o'clock this morning. Obviously, we are going to have to spend more time on this report, in any case.

Ms Gigantes: Shall I continue?

The Chair: You have the floor.

Ms Gigantes: We had many witnesses before us who did not think there was a perception problem. It's important for committee members to recognize that—

Mrs Cunningham: How do you know that?

Ms Gigantes: Because they gave us testimony to that effect.

Mrs Cunningham: I see. Name one.

Ms Gigantes: You can look through the Hansard and you will find it.

Mrs Cunningham: I was here for all the hearings.

Ms Gigantes: I read all the hearings, so—

Mrs Cunningham: Good for you.

Ms Gigantes: Madam Chair, I can't continue when I'm constantly being interrupted. I appeal to you for your assistance as Chair.

The Chair: I think you should just carry on, Ms Gigantes.

Ms Gigantes: I have not been able to carry on, Madam Chair. I ask your assistance.

Interjections.

The Chair: Excuse me. I think what we'll do if this continues is we will adjourn the remaining five minutes of this meeting and we will have to reconvene next Wednesday to continue giving direction on this report. I might like to indicate to members a great deal of money has been invested in conducting hearings of this committee into this subject matter which was an agency of the government selected for review. I think it's time we fulfilled our commitment and our work mandate, which is to complete a report on that review.

Ms Gigantes, you have the floor and we do have an appointment scheduled for 11 o'clock.

Ms Gigantes: I will vote against the motion. I will expect that once that motion is either supported or defeated, we will move to a follow-up motion that deals with the same subject, if it's defeated. If Mrs Cunningham's motion is defeated, we will consider an alternative motion.

I would be prepared, in an alternative motion, to look at the first suggestion that has been laid out for us by the researcher which is number 1: Does the committee wish to endorse the decision? Yes. In fact, we have heard yes from opposition members. They agree that the role that has been taken on by the Council of Regents (1) as an administrative role only with CSAC and (2) as the guiding group to see to a consistent and comprehensive implementation of prior learning assessment across the college system—both those are good decisions and they're being carried forward effectively.

The one contention of the opposition is that there's a perception problem and I think it's very important for us as committee members who have sat and listened to the testimony or, as I did, read the testimony in lieu of that, to say what we have found as we became familiar with that testimony, that the perception is misplaced. I believe the perception to be misplaced. Now, if what the opposition members are saying is, "We believe that the perception is well placed," I'd like to know why they feel it's well placed. What was it that was said by those witnesses who came to us with those perceptions? What was it they said that made you feel those comments were well placed?

The Chair: Excuse me, Ms Gigantes. I'm going to stop you at this point because we have other people who wish to speak to this motion and at this point today the committee is out of time on this matter. I am going to suggest that the motion remain on the floor for other people to take part in the debate and that point is where we will pick up this matter next week, and it is at 10

o'clock next week that we have time set aside to deal with this report. We will continue the debate and the direction to Mr Pond next week.

In the intervening week, I would ask committee members to decide whether you want to request that time be set aside during the recess to complete this report, because it's obvious if the direction is only being given next week to Mr Pond and the House rises next Thursday, this report will not be complete, which will be disappointing because we won't have completed any of our reports of the agencies we've reviewed this year, this summer, because we won't be able to complete the report on the St Lawrence Parks Commission either, next Wednesday.

1100

I'm giving that direction as Chair. Is the committee in favour of that direction?

Ms Gigantes: Which direction?

The Chair: The direction is that we resume the consideration of the draft report on the Ontario Council of Regents for Colleges of Applied Arts and Technology, and on the floor at this point is the motion by Mrs Cunningham that the ministry formally review the mandate of the Council of Regents with regard to CSAC and its independence.

Mr Curling: Could I speak to that, Madam Chair? The motion is on the floor. One didn't get an opportunity to either support it or not to support it and time ran out on us and I think there should be time given, next time around—

The Chair: What I am saying is that when we start the meeting next week, we will start with the discussion on that motion because the discussion at this point is not complete on that motion. I am simply adjourning this subject at this point today and we will pick it up—

Mr Curling: My concern, though, is that there are some time limits going to be placed on us, because when we have Ms Gigantes speaking right out of time today, next time when we come around and Mr Waters or Mr Martin, who seem to be—

The Chair: No, next time we will start with Mrs Cunningham and yourself—

Ms Gigantes: I'm not finished.

Mr Curling: Exactly, that's the point I'm talking about.

The Chair: I think what we'd better do then, if we're going to start having difficulty with time and giving equal time to all members of the committee to speak, I'm going to have to go to allocating time and using the stopwatch which we do in other sections of this committee work. In fairness, I think every member of this committee on any side of the table should have an equal amount of time to debate the motion.

Mrs Cunningham: Madam Chair, just on a point, I think, of privilege here with regard to perception: Ms Gigantes, just so she can consider this, wanted specific examples. The examples are in that section on page 35, the examples are real. With regard to the perception, they are there. The council of governors and the council of

presidents made their point and they are all in that paragraph.

The Chair: Mrs Cunningham, you're starting to debate it—

Mrs Cunningham: I think it's a point of privilege that perception has been backed up or well placed.

Ms Gigantes: Madam Chair, point of order: That is not a point of privilege.

The Chair: I think we are now going to take the course that I have suggested and we will resume this discussion next week. I have on the list Ms Gigantes to complete her comments, and I would point out, Ms Gigantes, that you have been speaking at this point for about 25 minutes.

Ms Gigantes: That's incorrect, and you will see that when you look at Hansard.

The Chair: All right. I have Mrs Cunningham and Mr Curling.

INTENDED APPOINTMENTS

PETER GALLANT

Review of intended appointment, selected by third party: Peter Gallant, intended appointee as member, Ontario Council on University Affairs.

The Chair: We will now move to the next part of this morning's meeting, which is to review an intended appointment by the government of Mr Peter Gallant as an intended appointee as a member of the Ontario Council of University Affairs. Is Mr Gallant in the room?

Welcome, Mr Gallant. You've just had an education in parliamentary procedure.

Mr Peter Gallant: Good morning.

The Chair: We're glad you're here before the committee this morning. This review is a selection by the Progressive Conservative caucus and so we would start with you, Mrs Cunningham.

Mrs Cunningham: Madam Chair, you're going to have to get out of the Chair because I'm not aware of this at all.

The Chair: All right.

Mr Curling: Let's chase her out of the Chair.

Mrs Cunningham: Maybe somebody else could be the Chair while you make the points.

The Chair: The point is, I didn't select, I'm the Chair; this was a selection by the third party. We will move to the government members if the third party doesn't have any questions.

Ms Gigantes: On a point of order, Margaret: I hope I don't offend, but normally we allow people who come before us on appointment matters to say a few words on their own before they begin if they wish.

The Chair: That's not really a point of order, but what we do in the committee is that for quite a long time I asked if people would like to make a brief opening statement, and what I have found through the experience of giving them that opportunity is that the majority prefer not to. I have stopped asking them because I think it puts them under some pressure to think they're obligated to do it.

Mr Gallant: In fact I was asked, and I was told that the practice was generally not to give an opening statement. I'd be glad to say a few words if you wish. If you'd like, I could briefly introduce myself.

The Chair: Go ahead.

Mr Gallant: I'm Peter Gallant. I'm currently a second-year PhD student in the department of electrical engineering at Queen's University, and I'm very proud to have been asked to attend the meeting today as an intended appointee to OCUA. You may ask what my interest in being on OCUA is. I think it's one of the more important areas in which universities and government have a chance to interact and liaise; it fulfils a very important role in that respect. I have some experience in our university system in the areas that OCUA covers, particularly in the funding areas of universities.

If my résumé is before you—I'm not sure if it is—I was chair of the university's budget review committee for two years, and I was the first student to hold that chair, as far as I know. It was chaired before by Suzanne Fortier, who's a member of OCUA currently.

Subsequent to that I've also spent three years on the university senate and I currently serve as the university's rector, which I was just recently elected to. The rector is the only student member who's a voting member on the board of trustees, so there's a serious representation role to be played in that respect as well. Technically, I'm also the third officer of the university, behind the principal and the chancellor.

I don't know what else I would be able to add to my résumé. I guess I'd welcome questions at this point, since I didn't prepare an opening statement.

Ms Jenny Carter (Peterborough): You've already answered some of what I was going to ask. Do you feel it is important that there be students on OCUA?

Mr Gallant: Absolutely. I think that OCUA, being a buffer organization, should have internal representation and be able to hear representations from all the stakeholders in the universities. Those I consider the stakeholders are of course the university administrators, the government, and students, because they pay almost 20% of the cost of operating universities these days, and also the private sector and corporations.

Ms Carter: It's certainly a big concern of this government that consumers, in whatever field, have their opinions heard, because that's basic.

Personally, I'm very concerned about the whole financial crisis universities are going through, and it seems as though we're coming up to a real crunch on this. I know the amount of money available to universities has been whittled away over time, and now we hear that the cash transfers from the federal government are possibly going to disappear entirely. There is the question being raised of whether student tuition fees shouldn't be the means by which universities raise their money much more than has been the case in the past; of course this is something the federal government is putting forward.

I just wondered if we could have your thoughts on that whole issue.

Mr Gallant: I'll address my comments in two areas:

one is tuition fees, the second being the general nature of university funding.

I was just recently at the OCUA hearings when they came to Kingston. I've been on the OCUA prep team for Queen's for two years. The message we sent recently to OCUA was that option C, which was the continuation of a corridor system of some form, is probably a good way to go, that the corridor system has not had a chance to stay in place long enough for all universities to get comfortable with it and to operate with it effectively.

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Anybody who's associated with universities in any regard is greatly disturbed by this idea of ongoing base budget cuts. Every year for the last several years, universities have been subjected to a 2% or a 3% or a 4% base budget cut across the board. In a budget review report I wrote two years ago, I said we really have to watch that universities do not get ground into mediocrity; in other words, by eroding our base budget to such a point that we lose quality. It's much more expensive to restore quality than it is to maintain quality. I'm very concerned about the level of payments to universities in that regard.

Ms Carter: Absolutely. I also hear from students in my own area that should this system be realized, where you pay back afterwards according to your job and so on—

Mr Gallant: Income-contingent loan repayment?

Ms Carter: Yes, that students from less wealthy backgrounds would feel themselves to be much more compromised than would those who had a little more financial backing, and we would fall short of the ongoing objective of making this education equally available to people, whatever their background.

Mr Gallant: A couple of points on that: I think ICLRP, or income-contingent loan repayment plan, is something students need now, regardless of whether or not tuition fees increase. There is a category of students that you will help right now with an ICLRP—absolutely. ICLRP should not be looked upon as a licence to government to raise tuition fees excessively, but I don't think any student will deny their responsibility to pay into the system.

My personal belief—this is my eighth year as a university student, so I've paid lots of tuition—is that I still fundamentally believe university education is a bargain with respect to what you get out of it; I think it's a bargain with respect to what the country gets out of it. I don't think any student is coming forward saying they're going to welsh on their part of the deal with regard to tuition fees. It's just that no student can really survive another massive set of increases in tuition fees without some sort of loan and repayment support, and the dilemma you're faced with is that at the end of even a four-year undergraduate degree, you've got a \$20,000, \$30,000, \$40,000 debt built up. So the income-contingent feature of any repayment plan is obviously desirable.

Ms Carter: I'll hand over to my colleague. You're obviously pretty well up on the financial side.

Mr Robert Frankford (Scarborough East): Could you comment on fees as a barrier to admission, particu-

larly as a deterrent to, let's say, women, immigrants and lower-income groups generally, and perhaps relate this to what happens at your university and your experience in discussions.

Mr Gallant: I think there's a perception at my university specifically that only the affluent attend, and I can tell you that's not necessarily the case. Tuition fees are not the only barrier to accessibility of universities. Tuition fees as a proportion of overall expenses that students incur is relatively small. The costs of housing and accommodation and books—I was at the university bookstore a couple of months ago watching undergraduates purchase their textbooks and ringing up incredible bills. All of those factors are simply above and beyond the tuition fee issue itself. Tuition fees certainly add an additional component that does hinder accessibility.

I'm fairly proud of our university's record in providing bursary and tuition support which roughly tracks on to the percentage increase of tuition fees each year, so by doing that we are helping students with bursary support. If you look at one of those Maclean's surveys or almost any other source of data, our university is actually one of the top in terms of providing support, but that's done at extraordinary cost to the university. That money being, of course, with the corridor funding system, largely discretionary, there's nothing in the rule book for the university administration to do that, but they realize that without that the quality of our students will suffer, because there's also nothing in the rule book that says the best-quality students are the ones who come from the best financial backgrounds. The best students I've had interactions with, most of them, are on some sort of bursary support. It's part of the fundamental nature of universities to have that diversity.

Mr Frankford: Following up on your comment about the costs apart from the fees, I'm not sure if this comes into OCUA directly, but do you have any thoughts on ways in which one could be helping to make life easier in other directions?

Mr Gallant: I think an ICLRP will help with that somewhat. Students are relying rather heavily on other types of government assistance, OSAP and the like, to make ends meet right now. The university has a fairly good system of providing emergency bursaries, but additional government support of that side of the operation would definitely be appropriate.

There are large numbers of bursary funds now that are designed for emergencies. I'll cite one example. Our dean of women, Dr Pamela Dickey Young, has a fund set up to help women students who are in desperate financial need, and that fund is usually exhausted within the first month of the eight-month term.

Certainly some additional kind of targeted grant or support in the area of bridging emergency funds will help, but on a strategic level I think an ICLRP is the way to go, as long as the benefit of an ICLRP are not all absorbed by large tuition fee increases. There has to be some additional value in there.

Mr Curling: Mr Gallant, thank you for coming before the committee. I can see you have quite a good understanding of the struggles of students. I say that because

there aren't many students who go through colleges who have an understanding of the struggles of students. Sometimes some of the struggles are borne by parents, by family. But you seem to understand, very much so, some of those struggles, especially in regard to the costs of education above tuition fees: housing and ancillary fees and books etc that really create the struggle.

I'm glad you commented on the fact that some people with undergraduate degrees are ending with a \$20,000 loan on their hands. When this government wiped out OSAP grants, it really put a great burden on those students.

I'm not going to be very long with my questions, but a couple of things. I don't know if I'm repeating what has been said before in some of the comments you've made, but I would like you to touch on an area that is not really debated very much, at a loss to Canada: the foreign students and overseas students who come here to study. What is your view on that?

Mr Gallant: I was rather disturbed this year to find that our university was not alone in a trend that's been occurring. That is, this year for the first time our graduate student enrolment of international and visa students declined sharply. It dropped our overall graduate enrolment down to approximately 16% to 17% of the university population. Our stated target in submissions to both OCUA and to the government have been at the 20% enrolment target level, and a lot of the declines this year were seen on the international student side.

We can attribute that to a couple of things. One is that a lot of foreign granting agencies that were sponsoring their students from their own home governments are not sending students to Ontario as much any more, quite frankly, because of the high cost of our graduate tuition, because of the differential fee structure. Foreign students pay significantly higher tuition fees than do domestic students. Combining that with additional fee increases on the visa fee side as well have put strain on our system, and we've seen that reflected this year in enrolments on the graduate side.

Mr Curling: It is extremely unfortunate, because I think Canada loses out on not having more foreign students, overseas students, studying here.

What is your view of the recent incident that happened where the Ontario government, in agreement, requested the Quebec government not to accept students at McGill University in the faculty of medicine? I'm concerned about Ontario Canadians who would like to go to do some medicine, and later on maybe going to some other countries to practise medicine, but being refused at McGill.

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Mr Gallant: To be honest, I actually hadn't heard of that. The last couple of months I've been studying for my last PhD comprehensive exams, so I've had the blinders on to the news, unfortunately.

Interjection.

Mr Curling: Ms Gigantes always has a view without knowing the facts.

Let me put it this way to you: If a university turns

down an Ontarian because there is some agreement saying they will not receive students in the faculty of medicine—

Mr Gallant: So they've reduced their enrolment target?

Mr Curling: They said they will not accept residents from outside Quebec, although Quebec also said that if you had residence there and wanted to go McGill, "We'll review the applicant." Do you see this as a progressive move, or do you have any understanding why that could happen? If that is happening, is there something on this issue you feel could be raised on the committee you sit on?

Mr Gallant: My view on that would be guided by more of a philosophical belief that beyond the intellectual and academic capabilities of students, any status attached beyond that really should have minimal impact on admission decisions. It's been a policy of our university, and I believe many other universities—you hear the message again and again as an internal person who's working within the university system that "We want the best."

Mr Curling: Wherever you want to study.

Mr Gallant: If the best calibre of students are not only domestic students from within Quebec but students from Ontario and across Canada and from other countries, from a philosophical perspective I think I would say to get the best calibre of students first, because the dynamics of a diverse group are exciting to watch from the inside.

Mr Curling: Do you feel that professional associations should dictate how many students should be accepted in a faculty?

Mr Gallant: Professional associations? For example, the Association of Professional Engineers of Ontario, the APEO?

Mr Curling: Yes. The medical association, what have you, will say only so many people should be accepted in the faculty of medicine, the faculty of engineering. Should they be dictating that?

Mr Gallant: I think they have a legitimate say in that because they're part of the accreditation process. For example, take Queen's: If all of a sudden we tripled our engineering enrolment without increasing our lab space, and reducing the number of tutorials, reducing the number of courses, reducing the number of sections, are we giving the same level and quality of education? I think a professional organization does have a role in maintaining professional standards within the universities as well, so as part of the accreditation process, yes, they do have a legitimate role in that.

Mrs Elizabeth Witmer (Waterloo North): I'm very impressed with the responses you've given. It's obvious that you have a very excellent knowledge of the university situation and also that you're very fair.

You talked about the ICLRP, and of course that was a position that the Ontario PC Party first put forward in 1992 in our education paper, and we were really pleased to see the student body follow through on that. We're very supportive, but I would have to agree with you, I

hope it's not totally absorbed in tuition increases, because the reality is that the expenses go far beyond that.

I would agree with you too and was pleased to hear you say that students do need to recognize—I'm taking it a little differently—that there is a value to a university education. I think it is important that there be that acknowledgement.

I just have one question for you, and that is related to the discussion paper *Sustaining Quality in Changing Times*. I don't know how familiar you are with that, but when the hearings were held, as you know there were three alternative models of funding proposed. Model C has obviously proven to be very controversial, where the separate funding would be allocated for teaching and research and—

Mr Gallant: Essentially purchasing services on a contract basis.

Mrs Witmer: Yes. What's your reaction to that particular model?

Mr Gallant: I think that it's a very difficult and dangerous process to actually have to call in almost an auditor and assign numerical values to activities which really cannot be separated from each other. There is such a great interdependence between teaching and research. You always hear that classic debate in universities, teaching versus research, and the answer really is no.

Teaching and research are complementary activities and you can't really pull them apart and separately value them, because if you do it in the wrong way and you pull it apart in the wrong way, you're going to drive a wedge between our best teachers and our best researchers, and those individuals happen to be one and the same individuals in most cases. There's a definite synergy there.

On the teaching and research front I think it's very difficult (a) to assess a value and (b) to introduce some sort of diversification of a broad continuum of the services and responsibilities that a university provides. Also I think that when you're talking about governments engaging in contractual negotiations legitimately with universities, we are taking away a lot from the autonomy of universities as well.

If, all of a sudden, it was decided that Queen's is now going to be the teaching university in the province of Ontario and the University of Waterloo is going to be the research university in the province of Ontario, it's fairly simple for a government to be able to negotiate agreements that would certainly skew research and teaching in those directions.

We already see that in federal granting councils, the steering effect of research. In other words, you're being steered towards the dollars in research and away from the prime mission of the university, which is to engage yourself in intellectually stimulating activity and be at the leading edge, be it of research development or academe. By virtue of being on that leading edge you're also bringing graduate and undergraduate students up to that leading edge, and that's where the synergy occurs.

Mrs Witmer: Exactly. That's right.

Mr Gallant: We're quite aware of the steering effect of research. I don't know if there's any way necessarily

of minimizing that. There are just the fiscal realities and the realities of the situation. But I would be rather vehemently opposed to contractual negotiations on universities just because of the potential for the steering effect and a loss of autonomy and also the fact that I think it's an impossible process. I think OCUA would be embarking upon a process which it really could not finish or do justice to. It's too difficult a problem.

Mrs Witmer: Well, having two universities, the University of Waterloo and Wilfrid Laurier, in my own riding, you can probably appreciate that they very much agree with the position you have just stated. Thank you very much. I wish you all the best and I know you'll be just an excellent representative.

The Chair: Thank you very much, Ms Witmer, and thank you, Mr Gallant, for your appearance before the committee this morning.

Mr Gallant: Thanks. I've enjoyed being here.

The Chair: Our next intended appointment interview this morning is not here yet.

Mr Waters: He could be in the hall at the back. There's a gentleman sitting in the hall.

The Chair: The clerk is out in the hall looking at this moment and is shaking her head, so I'm taking direction from the clerk.

Why don't we move to our subcommittee meeting with all the members here and get that work done while we wait for Mr West. I had been advised that Mr West had to leave by 12 in any case, so if we can do our subcommittee work now that will be helpful.

The committee recessed from 1129 to 1137.

ROGER WEST

Review of intended appointment, selected by third party: Roger West, intended appointee as vice-chair, Custody Review Board.

The Chair: We have completed the recess, in which we dealt with a subcommittee meeting, and we are now back to our agenda for this morning, which is a review of Mr Roger West, who is to be appointed as vice-chair of the Custody Review Board. We welcome you to the committee this morning, Mr West.

Mr Roger West: Thank you very kindly. May I initially thank the committee for accommodating me. Whether you are aware of it or not, my initial appointment was two weeks ago and because of pressures from work, I requested a different date. That was granted and I thank you.

The Chair: You're welcome. We were happy to be able to accommodate you. I also understand you have to leave by noon today and that's fine with the committee because some of the committee members have schedules that they have to meet too.

Mr West: Far be it from me to stand between anyone and lunch.

The Chair: We will start with Ms Witmer.

Mrs Witmer: Mr West, it's a pleasure to have you here today. I just want to ask you some questions related to the changes that are being contemplated by the federal Justice minister and were introduced on June 2, 1994,

regarding amendments to the Young Offenders Act. Do you have any response?

Mr West: Not particularly. We have discussed this, as a matter of fact, at the board and the consensus there was that essentially our job is to administer or work with the act as it is. We feel that we can make the best contribution through, for example, the recommendations that we include in our annual report. So we're quite prepared to work with the act and its recommendations or limitations as it comes down to us.

Mrs Witmer: Given the fact that we have a Young Offenders Act presently and there are changes contemplated, I would like you to be a little more specific. Which of the recommendations do you feel are necessary, from your past experience, and will be helpful?

Mr West: Quite frankly, I'm not in a position to comment on that. There's been a great deal of public comment and public fears expressed and all the rest of it. I do feel the people who are in close this way will get a consensus and make the best possible of it and we'll simply go along with what comes along.

Mrs Witmer: What about raising the maximum penalty for first-degree murder to 10 years? How do you see that change, being positive or moving us in the right direction?

Mr West: Let me separate my thoughts here from the board's policy. This is what I take to the board. I must confess I share a certain level of the general public fear that is quite evident on the matter of what is perceived as very light penalties for very heavy crimes.

Personal philosophy: You do the crime, you do the time. I think something of that nature—and you're specifically addressing murder—yes, I would personally be in favour of an increased sentence for that, not as a matter of revenge but to give the excellent people who work in this system an opportunity perhaps to do something with someone obviously very, very troubled, who may well have come from a horrendous background.

Given the nature of the staff that I've met—because we hold our board meetings at the facilities—these are tremendous people and they work miracles in a lot of cases, but they do need time. Under those circumstances, I would think that would be most appropriate.

Mrs Witmer: Following along on that, and I appreciate that obviously the opinions you are stating are totally personal opinions, there's the other change where the youth courts will be empowered to request a psychological or medical assessment of the serious or the chronic young offender and they would lose their right to refuse treatment. What is your opinion of that particular section?

Mr West: Well, there's considerable of this assessment done now, court-ordered of course, in addition to the care program that is established for young offenders in the facility in which they find themselves. I'm an amateur in this. We have two red-headed sons who are now grown, but you get a certain amount of experience that way.

I think this type of assessment is very valid, because when you talk to the staff who deal with these people, although they of course don't open up on an individual

or personal basis—I referred earlier to the horrendous background that some of these youngsters come from and they obviously need assistance in that. The problem was created and the damage was done when they were much too young to be able to handle it on their own, and it has simply gone from there and so often, as we all see, it feeds on itself and it just goes from bad to worse.

If this is some way we can be of assistance, I'm all in favour of that because that's the way most of us were raised. We had the good fortune to come from good homes and didn't always like the medicine, but in the long haul it has worked reasonably well for most of us and I think that should be applied here.

Mrs Witmer: I would certainly agree with you. I think you can have stricter penalties and enforce the laws, but obviously there's a root cause for the behaviour and at the present time young offenders can refuse psychiatric treatment. Obviously if we're going to incarcerate them, we need to take a look at dealing with the problems that have contributed to the active violence, particularly where one has suffered injury or committed a crime of murder.

Thank you very much. I wish you well.

Mr West: Thank you.

The Chair: Government members? Mr Waters.

Mr Waters: I'm going to do something that the other side always does, so I'm going to beat Mr Curling. It says here you were a political candidate at one time.

Mr West: Yes.

Mr Waters: Can I ask if you have any political affiliation?

Mr West: Now? I maintain my political interests, yes, as I think people should.

Mr Waters: Do I dare, and you can refuse to answer if you want—can I ask what party?

Mr West: Yes. I have long belonged to the Conservative Party. I have voted more than one way years ago, to the absolute disgust of some of my relatives, but that's another story. I've outlived them.

Mr Waters: I like that. We've had people here before from this particular board, and I guess the key thing that everyone has to understand is that you recommend and you do not place, that indeed the process, and I'm not exactly sure I'll ever get it down straight in my mind so maybe you can refresh it if you would, but the process is that somebody comes before you and you make recommendations in some way.

Mr West: Yes, and I think frankly that is perhaps the board's greatest strength. We have no ties and we have no authority to order things done, so when a young offender makes an application to the board because of a problem, the board has the opportunity to act almost as a mediator or conciliator in this. The board can be the "they" who won't recommend that you be transferred from here to there or who really won't recommend that you get that temporary release that you want so badly. So we provide a bit of an escape valve in that sense.

But beyond that in the fact that we can recommend only, we can work back and forth with everybody involved without being committed to anyone, and no one

is going to be resentful of an order that we issue. I don't doubt for a moment that in ways the administration and staff of the facilities may at times see us as rather uneducated outsiders, which is part of the reason that we, as often as we can, hold our board meetings in the facilities, to talk not only to administration and to hear administration but we have lunch with the young offenders and we hear them.

Once they get past the shirt and tie, in the case of the males who are there, they'll relax and open up and just chat, and you can get somewhat of a flavour for the way these young people think and what they want and so on. They don't all have fangs and they're not all someone to be chained to the wall for the safety of the rest of us. With some of them, it's the wrong place at the wrong time. It's just a cross-section of life, which is a long-winded answer to your question. But I do think that recommendation only enables us to fulfil a much broader role or mandate and work to the betterment of everyone, the system included.

Mr Waters: So in a sense, you're like a mediator or a group of people who do mediation, and indeed not only at times does this work out to the benefit of the youth or the juvenile but can also work out to the benefit of the institution or the custodian, because you come to an agreement. Maybe it will work out better for both—have this person placed elsewhere or explain to the person why they're in that particular facility.

Mr West: Yes, and that latter part, explained to the person involved, is very important to keep in mind, because the youngsters are involved in this. I mean, they make the request initially, and this talking or negotiating, whatever you choose to call it, isn't done behind their back or around them. They are part of it. You talk to the young offender first, you talk to the staff and maybe you go back to the offender again. Then if there's a hearing held on site, everybody will be involved, so there are no secrets and no secret deals made or anything to this effect. It's all out in the open, and the youngster knows why something is or is not happening.

That doesn't necessarily guarantee they're going to be happy with it, but at least they know that someone will listen to them and give them a hearing. I think in a lot of cases, it works out that in their heart of hearts they know that this was the best or perhaps the only possible solution. There's face-saving so they have to storm and stomp around, but this is where it comes in to be of assistance to the administration of the facility. It's the board that gets the blame, not the person who has to eyeball that young offender for long periods of time every day. So we feel, both as a mediator and an escape valve, that we have and serve a function.

Mr Waters: I guess out of that, obviously a young person wouldn't be able to say, "Well, I just don't want to be here." That wouldn't give them enough reason to get before the board.

Mr West: No, because the first you ask is: "Well, why not?" If they come up with a legitimate reason or argument—the one most often used is, "Well, I want to be closer to family." Upon occasion we consult with the family as well, because that's not always a mutual thing.

You hit, unfortunately, families where they just throw their hands up and say: "Hey, we've just had it for a while and we need a break from this. It's a long lug from home to the facility and we can't get there very often but we need that rest. We need that break to sort of refresh ourselves." And I'm not condemning those parents or that parent. We all have our limits, and some of the case histories are trying, to be charitable.

Mr Waters: Being a father of two—

Mr West: A grandfather of five—

Mr Waters: —anybody who's been a parent, sometimes it gets trying.

Mr West: Sure. That's right.

Mr Waters: I think we'd all like a vacation for a day or two at times.

I can't remember; how long have you been on the board?

Mr West: I've completed two terms, and in light of the expansion of the board on a geographical, cultural basis and so on, I was very flattered to be invited to stay on for another term, this time as vice-chair, simply to provide sort of an administrative presence in Toronto. Our chair is from the Simcoe area and there are physical or mechanical ways that I could be of assistance by living literally across the street from the office. So that would be facilitated.

Mr Waters: Coming this time of the year, for the next two or three months, the commute gets a bit more difficult, because I understand that the chair is from Simcoe.

Mr West: Yes, that's right, the vagaries of weather being what they are.

Mr Waters: Yes, weather being weather. I wish you well. I think you've shown a lot of knowledge about it and a lot of care in your questions. I wish you well in the future.

Mr West: Thank you very much.

Mr Curling: Thank you, Mr West, for coming in. I must commend Mr Waters for his astute observation, after you placed in there that you're a political candidate, to ask, have you been a candidate for a political party? However—

Mr West: No, the province is safe from me in the future. I have no plans to be a candidate.

Mr Curling: I've visited quite a few of the young offenders or the institutions like Toronto West and areas that hold young offenders. I'll just ask you to comment again on the section, the part about "youth courts should be empowered to request psychological or medical assessment of serious or chronic young offenders."

What I have found is that there is a high rate of functional illiteracy there. What would be your feeling about assessing every young offender who comes in there

not only psychologically but also where they are tested for literacy and other inadequacies that sometimes lead to frustration for creating crimes and the offshoots of things like that? Because I do find a high rate of illiteracy and frustration among the young people.

Mr West: I'm certainly not arguing with your assessment of the rate of illiteracy; of course it happens. But a certain amount of that is assessed when the youngster comes in and a program is initiated for that person. The interviewing is quite extensive and there of course are school opportunities within the facilities, in addition to shop and arts and so on and so forth. So in determining at what level the youngster should be, there is an assessment done of that, and if there is an illiteracy problem, there is material available from outside as well. That has been a relatively small area of interest of mine in trying to involve people who work to combat illiteracy by getting them to provide something that the facilities can work with.

That has only started, so I don't know how much success there will be on that, but I share your concern that undoubtedly quite a few of the kids come in with that problem and the frustration that goes with it. As to a heavier psychiatric or psychological assessment, that may well have been ordered by the courts or recommended as part of the parole or whatever. I do agree that there is a need. Whether we have the resources in terms of both people and money to apply that to everyone, I don't know, but where there's an obvious or crying need, I'm all in favour of it, yes.

Mr Curling: Yes, because my concern is that even when you go into the adult prisons, you do find that the illiteracy rate is extremely high. As a matter of fact, when you look at the young offenders too, they are many of the dropouts of school and there needs to be an assessment pretty early. Sometimes one could arrest some of that behavioural pattern that will continue later on. I'm not saying it's going to be the solution for all things, but I'm pretty concerned, because even in Ontario here we have a very high rate of functional illiteracy. We see the spinoffs of that.

I basically just wanted to raise that point. With your experience, I'm confident that you see the trend, you understand the issues, and I wish you well in your new role.

Mr West: Thank you very kindly. I appreciate that.

The Chair: Thank you, Mr West, for your appearance before the committee this morning.

We need a motion, please, to approve. Mr Waters moves the approval of Mr Peter J. Gallant as a member of the Ontario Council on University Affairs and Mr Roger West as vice-chair of the Custody Review Board. All in favour of that motion? That motion is carried.

The committee stands adjourned.

The committee adjourned at 1155.

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*Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Cunningham, Dianne (London North/-Nord PC) for Mr McLean

Martin, Tony (Sault Ste Marie ND) for Mr Malkowski

McGuinty, Dalton (Ottawa South/-Sud L) for Mr Crozier

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Official Report of Debates (Hansard)

Wednesday 7 December 1994

Journal des débats (Hansard)

Mercredi 7 décembre 1994

Standing committee on government agencies

Draft report:
Ontario Council of Regents
for Colleges of Applied Arts
and Technology

Comité permanent des organismes gouvernementaux

Rapport préliminaire :
Conseil ontarien
des affaires collégiales

Chair: Margaret Marland
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 7 December 1994

Mercredi 7 décembre 1994

*The committee met at 1007 in room 228.*DRAFT REPORT
ONTARIO COUNCIL OF REGENTS
FOR COLLEGES OF APPLIED ARTS
AND TECHNOLOGY

The Chair (Mrs Margaret Marland): I'd like to call this standing committee on government agencies meeting to order.

First of all, I think it's important to recognize for our commuting members that it is a snowstorm out there. I've had a phone call from Ms Witmer, who had to drive from the Kitchener-Waterloo area, and she won't be here in time for the meeting in all likelihood. We've also had notification from Dianne Cunningham's office that she's attending a funeral in London this morning, so she won't be here. I guess you all sleep downtown, more or less, don't you? Or close enough to commute?

I think we should proceed with the meeting. We have a speakers' list that is being carried over from last week's meeting, which is what we agreed to do. I think in fairness, because we obviously have to get some resolution to finalizing this report, that we'd better start rotating in equal time amounts, and I'm going to suggest that we do it 10 minutes per caucus and just keep rotating.

In the last meeting, we had an hour to deal with the report, and according to a brief examination of Hansard, Ms Gigantes, you had a very large portion of that time in speaking. So I think in order that no one takes over the amount of time that we have left, we should go to an equal sharing of the time that's available. Since that's normally what we do on this committee, I think it makes it more practical. Otherwise, if we have five speakers from one caucus, other caucuses won't get a chance to speak. Is that acceptable?

Ms Evelyn Gigantes (Ottawa Centre): That's fine with me, in terms of direction. I haven't seen a transcript of the discussion last week so, like Shakespeare, I would say, "Who hath measured the distance?" But I think probably we could keep it down to less than 10 minutes, unless you intend having more than one speaker per caucus on a topic at a given time.

The Chair: All right. Do you want to try five minutes per rotation?

Ms Gigantes: Sure.

Mr Dalton McGuinty (Ottawa South): That's fine with me.

The Chair: Okay, well let's do it that way, in five-minute rotations. Ms Gigantes, you still have the floor.

Ms Gigantes: I will be very brief.

The Chair: Then we had Dianne and then we had Alvin. We don't have either of the other two at the moment. So you would proceed.

Ms Gigantes: Dr Frankford would like to be included.

The Chair: And Dr Frankford.

Ms Gigantes: If I'm correct, we're dealing with Ms Cunningham's motion.

Mr McGuinty: I have a point of information. Given that we're dealing with Ms Cunningham's motion and given that she is not present to hear argument made on this motion—I don't intend to speak to the motion, I don't intend to support it—is it appropriate that we continue in her absence? Can we not move on to something else?

The Chair: I'll just ask the clerk about dealing with a motion. I think the motion becomes the property of the committee once it's placed. Am I correct?

Clerk of the Committee (Ms Lynn Mellor): Yes.

The Chair: So the mover of the motion doesn't have to be here. I think what we will do is just start resuming the debate on Ms Cunningham's motion, which is that the committee recommend that the ministry formally review the mandate of the Council of Regents with regard to the college standards and accreditation council and its independence.

I wonder if it might be a good idea, because of the weather, in case we can end up with a quorum, that we hold off the votes until the end of the meeting. Would that be acceptable?

Ms Gigantes: No. Let's do it.

The Chair: Pardon?

Ms Gigantes: We should do it.

The Chair: Legally, at the moment, Ms Gigantes, the committee doesn't even have a quorum.

Ms Gigantes: Then I wonder if it's worth our proceeding.

The Chair: The Chair is at the direction of the committee.

Ms Gigantes: Let me suggest, on a point of order, that if we're going to have all our discussions and then people are just going to come and vote, why bother having the discussions?

The Chair: We are in a difficult position because we don't have a quorum, legally, if somebody wants to challenge it. Secondly, I don't know if people will be here by the end of the meeting to vote on motions. But

legally, if somebody wants to, they can say, "Look you can't place motions and vote on it with five members of a 12-member committee here."

Ms Gigantes: We have six members. You are a member of the committee too.

The Chair: But we need seven. Do you want to recess and come back? Or do you want to just put your—

Ms Gigantes: Why don't we recess for 15 minutes?

Mr Paul Klopp (Huron): Fifteen?

Ms Gigantes: Sure.

Ms Jenny Carter (Peterborough): Who is liable to appear?

Ms Gigantes: I think some more of our members are liable to appear.

The Chair: Resume at 10:30?

Ms Gigantes: At 10:30?

Mr Klopp: Ms Witmer is planning on coming in. It's just getting slow on the road, right? Is that what your sense was from her phone call?

The Chair: Yes. Are you expecting Alvin, Dalton?

Mr McGuinty: I haven't checked. If we recess for 15 minutes, I can.

Interjection.

The Chair: But even Dan isn't here. Is Dan coming?

Ms Carter: He's not coming.

The Chair: Oh, he isn't.

Ms Gigantes: No, but we have a substitute for Dan.

The Chair: Okay. Well, it's 10:15. Why don't we recess till 10:30?

Ms Gigantes: By your clock, Madam Chair?

The Chair: Let's use that clock on the wall, since we've all got different times here.

Mr Klopp: That will make it 10:33.

Ms Gigantes: By that clock.

The Chair: Right. Thank you.

The committee recessed from 1015 to 1042.

The Chair: This committee will reconvene after the recess. We will resume the debate on the motion by Ms Cunningham. I have Ms Gigantes, Dr Frankford and Mr McGuinty on the list to speak.

Mr Robert Frankford (Scarborough East): I want to stand down as a speaker, but can Mr Martin take my place?

The Chair: After Mr McGuinty, certainly.

Ms Gigantes: I think we'll find that the motion we've been debating from our previous meeting will not meet the satisfaction of most committee members. We are prepared to put forward an alternative motion, which we will do once Mr Martin has an opportunity to speak.

Mr McGuinty: I'm not prepared to support Ms Cunningham's motion, as I indicated earlier. I have had discussion, before we just reconvened here, with Ms Gigantes. She provided me with a draft copy of a motion which I would want to amend, so I'm in your hands now as to how we proceed with that.

The Chair: Until the new motion is on the floor we

can't deal with it, so at the moment we are still dealing with Ms Cunningham's motion. I have Mr Martin on the list to speak, so I'll put you on when the new motion is on the floor.

Ms Gigantes: I'd like to call the question when the debate on this motion is finished.

The Chair: Mr Martin, you don't wish to speak to Ms Cunningham's motion?

Mr Tony Martin (Sault Ste Marie): No, I spoke last week, and my comments stand.

The Chair: Okay. And Ms Gigantes, you're calling the question?

Mr McGuinty: Just before we vote, I gather that procedurally we are entitled to vote in the absence of the mover's presence.

The Chair: That's what I'm advised by the clerk. I think it's because when a motion is made, the motion then becomes the property of the committee. However, someone can object to that taking place.

Mr McGuinty: I also want to note for the record that there is not a single member here from the Conservative Party. I'm not trying to lay any blame on anybody; there are adverse weather conditions out there. But I personally feel uncomfortable voting on this when the motion has been put forward by a member of the third party and when there's not a single representative here. If we can defer this, I'd prefer to do that and deal with the next motion.

The Chair: The circumstances are a little unfortunate. The reason Mrs Cunningham isn't here to speak to her own motion today is because of a funeral in London this morning, so it isn't even connected to the weather; she is attending a funeral. I knew last night that she wouldn't be able to be here to speak to her motion because of the funeral.

It is possible for a motion to be tabled or deferred. Both those motions are in order, aren't they? I'll check with the clerk.

It may be that the deferral and tabling have to be by the original mover. I wonder if we could get on with something else while the clerk confirms that we're going to do this in an orderly manner.

Ms Gigantes: But in an orderly manner, we have to dispense with one motion, one way or another, before we can deal with another.

The Chair: Okay. Could someone move adjournment of the debate on Ms Cunningham's motion?

Mr McGuinty: I so move.

The Chair: We can then move to your motion. Is this motion going to stand in your name, Ms Gigantes, or Mr Martin's?

Mr Martin: In my name.

The Chair: We could move to Mr Martin's motion. After the clerk has had time to research the Cunningham motion procedurally, you could go back to that possibly, but I'm not sure. The motion at the moment, then, is to adjourn the debate on Ms Cunningham's motion.

Ms Gigantes: Is that debatable?

The Chair: What we're trying to do this morning, Ms Gigantes, is at least to give the clerk time to research what we are doing in order that we do it properly. If necessary, I will recess the committee in order for the clerk to check procedurally what we can do legally. I'm trying to facilitate a difficult situation here, and I would appreciate the help of members.

You're not going to lose your votes. I'm just suggesting that we adjourn the debate, and Mr McGuinty has moved adjournment of the debate, on the motion by Ms Cunningham, and then we will move to Mr Martin's motion, which we're awaiting copies of.

All in favour of the motion to adjourn the debate on Ms Cunningham's motion? Four in favour. That motion is carried.

Now we will move to your motion, if you could read it into the record, Mr Martin, please.

1050

Mr Martin: I move that the committee accept the text of the report, pages 1 to 31, on the Council of Regents, and that it be sent to the Minister of Education and Training for his consideration and review.

The committee wishes to note the general satisfaction with the work performed by the Council of Regents, but asks the minister to note the communication problems which were outlined by some college stakeholders, most notably the Council of Presidents and the Council of Governors.

The Chair: I would just like to ask Mr Pond if within those pages 1 to 31 there are any either/or recommendations.

Mr David Pond: Pages 1 to 31 are the narrative sections of the draft report. All the draft recommendations and options and discussion thereof start on page 32.

The Chair: So what you're referring to the minister is a report without any recommendations.

Ms Gigantes: Except that the motion does have a recommendation. It asks the ministry to note.

The Chair: I'll have to wait till I see it, I guess.

Are you referring to the noting of the communications problem, Mr Martin?

Mr Martin: Yes.

The Chair: But other than that, the portion of the report that goes to the Minister of Education and Training doesn't carry any of the draft recommendations or options.

Mr Martin: That's right.

The Chair: If everybody is clear about what the motion is saying—from my experience on this committee, dealing with reviews of government agencies, boards and commissions, it is a little unusual to have staff compile a report and then have that part of their report only go forward, without directions and recommendations by the committee itself.

Mr Martin: If I might, what I'm suggesting, and I'm taking this from the discussion we've had around this table for the last number of weeks—we're asking him to accept the text of the report, which I think has in it a full report of the discussion that happened here; it's also

noting that there was general satisfaction with the work performed by the council except for the area noted, and that's the recommendation.

Mr McGuinty: I can't agree with the motion, for a variety of reasons. First of all, the ministry staff or the minister himself, if they ever had the time to look at the transcript—the problem with transcripts is that they're pretty dry. In fact, in law, only in very exceptional cases can a judge ever accept evidence when a witness isn't right there in front of him or her. If you ever get a judge who's got hearing problems or eyesight problems, that presents as a real difficulty because you are not able to fully assess the people who come before you. In other words, you get a particular flavour from having sat in the committee and heard from witnesses which doesn't come across in the transcript. There are more problems, in other words, than would meet the eye through a cursory reading of a transcript.

I feel even stronger about this because I've dealt for some time now with the presidents and the governors and the various other groups who have an interest in our community college system, as my party's Colleges and Universities critic. There are some very real problems, and to categorize them as merely communications problems really doesn't do us justice in terms of our assessment of that.

At a very minimum, the presidents and governors and some other stakeholder groups view the Council of Regents with considerable suspicion; that is a minimal assessment of the problem. As a result of that, what we have here, in my estimation, is a very real danger. Because there's no relationship based on cooperation and based on trust and mutual respect, the proven strengths of Ontario's system of community colleges are at risk.

At a minimum, I think we should send the whole kit and caboodle, from page 1 to page 44, so that the minister could see the varying opinions that were brought forward in an easy-to-understand package. There are a number of issues which this motion simply does not address.

As I said, I think it's all founded on the suspicion with which COR is viewed by governors and the presidents. They don't trust them. They feel there is a concerted effort being made to usurp their authority, to assume responsibilities they've always had, to hijack their independence. That's a problem. At the end of the day, our concern is not the presidents, not the governors, not Richard Johnston, not anybody who sits on the Council of Regents, not you, Madam Chair, or me or anybody else sitting on this committee—it's the students who happen to be attending these colleges. I think that, in a very real way, there's a problem we have to address, and this motion simply sweeps it under the carpet.

Ms Gigantes: I think the discussion we've had in this committee—I wasn't a member of the committee when the witnesses appeared, but I did read the Hansards very carefully, and I did not find the Hansards to be dry or unevocative.

I think there is a difference of opinion among committee members on where to put the judgement on the issues that have been raised. The motion that has been put

forward by Mr Martin is one which provides to the minister, to the ministry—we can attach the Hansards—the summation of what witnesses said before us, what committee members asked as those witnesses came forward.

I'd like to refer to one part of one witness's evidence before the committee, Penny Milton, who had been a member of the Council of Regents. The evidence comes from the Hansard of Wednesday, September 28, on page 969. She had been asked about the difference of opinion among some of the parties. And I would underline what Mr McGuinty has said: Essentially we have a Council of Governors, a committee of governors and a committee of the presidents, and they are raising concerns. We have to decide whether those concerns really deserve the weight which those people would put on them.

Ms Milton said about the relationship between those groups and the Council of Regents:

"I think it actually breaks down when parties decide it's time for it to break down. I'm a bit hard-hearted about some of these things, but what appear to be quite often conflicts about an issue turn out to be conflicts about who has power. In a healthy, democratic society, we should also always have those kinds of conflicts. I think we should think seriously about interfering and assuming that things might be wrong simply because two groups do not share the same perspective on questions of the allocation of power and responsibility."

1100

As I read the Hansard, it seemed to me that that contribution by Ms Milton summed up best what I could glean from what was not a dry and academic discussion at all. Some things that were said before this committee and some of the questions that were asked by committee members carried a lot of passion. But I think she summed it up, and the committee, having heard the testimony and what was stated in the questioning, now must move on, make a judgement about it, and give that judgement to the minister and to the ministry. Essentially, what Mr Martin is proposing is that we provide the minister and the ministry with the report Mr Pond has given us which synthesizes the testimony we've heard and outlines the issues in boldface, and says there have been communications problems.

I think that material, plus the transcript available in Hansard, plus our motion, is in fact a useful thing to be sending to the minister and the ministry.

The Chair: Perhaps it's important for the committee to look at the report and recognize that the motion that's on the floor includes pages 1 to 31, which is a summary and description of COR; the actual draft recommendations in this report, starting on page 32, are where the summary of what witnesses said before the committee is printed. I'm just pointing out to the committee members that if you want the ministry to know what witnesses before the committee said to the committee in this review, those witness contributions to the review start on page 32. It's a matter of whether you view a report to be complete without the comments of the witnesses before the committee included in it.

Mr Martin: In speaking to the motion, I suggest that it puts on the table for the minister a more balanced view of what happened here during the hearings than what the member opposite, Mr McGuinty, has laid out. He speaks very forcefully re the concerns that were raised by ACAATO and the Council of Presidents. They did raise some concerns, and that's why in this motion we have suggested that there are some problems, there are communications problems. I've raised this on a couple of occasions now, last week and the week before, suggesting that we didn't think on this side of the table that everything was perfect either.

But what the member opposite fails to recognize is that there were other groups who came before this committee—students and faculty and staff—who suggested that—again, I don't think anybody has suggested that the Council of Regents was perfect.

I think that's always a mistake to suggest that any group has its act together totally and is operating in a way that's satisfying everybody, particularly a group that has the ability to advise the minister, who ultimately is in charge of making decisions re the operation of the facilities that they're responsible for. But certainly these other groups did not in the same way suggest to this committee that there were the kind of problems that are intimated in the comments by Mr McGuinty. The students and faculty were very clear in their support for the Council of Regents and the work they're doing, and as a matter of fact were very glowing in their evaluation of the distance that COR has come in the last few years to recognize the contribution that it can make and to be more inclusive in all of the ways that COR is trying to represent the larger community of stakeholders who have an interest in the community college system in Ontario.

I suggest that there are, yes, as I said last week, some difficulties. They're difficulties of a nature that are not inconsistent with a system that is growing, that is being asked to meet demands, that is being asked to change in an environment of some very difficult economic times. I think it behooves the minister to have a look at that, to look at this report in that light and to perhaps make some recommendations then or have some discussions with some people around how communications might be facilitated and made better.

If it would help the member opposite, Mr McGuinty, to accept this motion to include the rest of the report without the recommendations in it so that he might see that, then I'm certainly willing to entertain that kind of an amendment so that all that would go forward without the recommendations that are included in the next section, because we didn't vote on or agree on those recommendations, but certainly the copy that's there that, as the Chair has suggested, might give the minister a bit more of the flavour of the discussion that happened here, I have no difficulty with that.

The Chair: When you say we didn't discuss the motions that are in the report, as the Chair I want to say that that's a difficulty for me because I'm trying to chair a review of an agency to its full completion and now we have a report which was written by a researcher and I understand really that this report has two sections to it,

and I've already said what the first section is. The second section that comes after page 31 is in fact a section that hasn't even been discussed by this committee and it's being set aside. So, as the Chair, I'm a little concerned about a process here.

I've served on the government agencies committee for a long time in the last decade and I haven't seen a report go forward in one half. I've seen a situation where all the recommendations were discussed and rewritten, which is entirely different because then it's the work of the committee, but if this report goes forward as the motion suggests, I would suggest, as the Chair, that there's no work there by the committee. You've got a report written by a researcher and the committee hasn't been part of writing it.

Mr Martin: With all due respect, I would suggest to you that a number of us have sat around this table for a number of weeks now working very hard to hear and listen to deputants who came forward, who have sat around here for a number of weeks now and this morning discussing back and forth the pros and cons. There's a lot of information now in Hansard, and I think there's a fuller understanding of some of the material in this report than there was two months ago before all of this started.

1110

For you to suggest that no work has been done is a bit off the mark. There has been, in my experience, significant work done here. What we're suggesting at this time is that this work, from our perspective, is reflected very much in the report, pages 1 to 31. The minister, I think, in reading that, will have some valuable information upon which to take some further action if he so chooses.

If it will get this piece off the table so we can get on with other things and the minister can get on with doing what he needs to do and the Council of Regents can continue to do with some degree of confidence what it needs to do, we should include the rest of the report without the recommendations, because we haven't agreed on those. If we can get the member opposite to agree to this, then, as I said, we're willing to accept that.

The Chair: Mr Martin, I just want to point out, the report is drafted by the researcher. Unfortunately, since we've had the report, the committee hasn't sat around for weeks discussing it. We've actually spent about an hour and a half on this report.

Mr Martin: We've been back at this table for—this is the third week now that I'm aware of, discussing this thing. It may only have been for an hour to two hours at a time, but it still is a significant amount of time when you consider what we do here and the time we put into these things.

The Chair: I think you will recall that our meetings have involved—

Ms Gigantes: Madam Chair, on a point of order: I understand that as Chair, you want to facilitate our discussion here, but it's tending now to become a debate between the Chair and a committee member.

The Chair: The report has been discussed at these meetings along with interviews of appointments to committees.

Mr McGuinty: Prior to today's date, it's my understanding that only two hours were devoted to this—

The Chair: Ms Gigantes.

Ms Gigantes: I was just trying to catch your attention. I thought I was on your list.

The Chair: No. It was Mr Martin and Mr McGuinty. I will put you down.

Mr McGuinty: Prior to this morning, I understand we had devoted two hours, if I'm not mistaken—somebody might correct me—to dealing with this issue.

In any event, if I were the minister, pages 1 to 31 would not tell me anything I didn't know already. They're merely a historical record of the development of various issues within the community college system. There is nothing new there. They contain some statistics and they form a nice historical backgrounder. So there's nothing, as I say, from pages 1 to 31 that will be of any news to the minister. I think at a minimum we've got to give him the whole darn report, because that will outline for him, when we get to the draft recommendations, presumably none of which we're about to adopt—at least he has an understanding of the issues that have been raised, which adds something, as I say, to a historical record of the developments in the community college system.

The government motion is suggesting that we merely describe the problems that exist as communications problems, and that is a gross inaccuracy. What we're categorizing as communications problems are the issues that were raised with respect to, number one, the role of the Council of Regents, that apparently that's a communications problem; number two, the Council of Regents and aboriginal education, that too is a communications problem; number three, college governance, that too is only a communications problem; number four, the status of internal governors and college boards, a communications problem.

Other governance reforms, collective bargaining, the role of ACAATO, the Ministry of Education and Training itself, university-college collaboration, a very important issue, we're putting that down too as a communications problem.

The 10th item, vocational education and applied learning, another area which warrants a specific recommendation on our part, is being deemed to be merely a communications problem; adult education, general education, very controversial; OTAB, French-language education, and the dropout rate. Fifteen separate issues are all being placed under the innocuous umbrella of a communication problem. I think that is, as I say, merely sweeping these very significant problems under the rug.

We owe it to the people who took the time to appear before us, whether that be the Council of Regents itself, representatives of the various governing boards, representatives of the presidents, representatives of the students and any other friends of our community college system, to do something more substantive than to say: "Well, everything's hunky-dory. There are a few communications problems, however, but, really, everything is fine." So I can't support this motion.

At a minimum, in my personal assessment, there is tremendous suspicion in which COR is held by the governors and the presidents. I always attach a tremendous amount of weight to governors. You know why? Because they don't get paid. They're not in it for their good. There's just not one hell of a lot of prestige to say, "I happen to be sitting on my college board of governors." They're there because they have a genuine interest in their community college. They've said that there are some problems, and I attach a lot of weight to that.

Ms Gigantes: Madam Chair, I'm going to call the question.

The Chair: The question is called, and this is the motion:

It has been moved by Mr Martin that the committee accept the text of the report, including pages 1 to 31, on the Council of Regents and that it be sent to the Minister of Education and Training for his consideration and review.

The committee wishes to note the general satisfaction with the work performed by the Council of Regents but asks the minister to note the communications problems which were outlined by some college stakeholders, most notably the Council of Presidents and the Council of Governors.

All in favour of that motion? Opposed, if any? That motion is carried.

Now we resume debate on Ms Cunningham's motion. I think, Mr McGuinty, you were—

Mr McGuinty: Given that Ms Cunningham is not here, and neither is any other member of the third party for that matter, I would move that we postpone that motion, if that is in order.

The Chair: A motion of postponement is in order.

Ms Gigantes: Is it debatable?

The Chair: Postponement is debatable, yes.

Ms Gigantes: I believe that the motion from Ms Cunningham is now redundant. It dealt with one way of our processing a report. We have just concluded debate and passed a motion which satisfactorily wraps up that work. It is now redundant and it should be dealt with now and simply removed from the table.

1120

The Chair: You're speaking against postponement. Any other speakers? Mr McGuinty.

Mr McGuinty: I am very uncomfortable with killing a motion when neither the mover nor any representative of her party happens to be here to speak to it. I gather that procedurally we can do that, but it strikes me that there's something here that's contrary to natural justice or principles of basic fairness. If the good people of Ontario decide that I'm to share this table again with the members of the government at the next election, I want to assure them that I'd do the same thing for them. If they were sitting here and they were absent and one of them put forward a motion, I would ask that we not deal with it until there was somebody back here to speak to it. That may not be in keeping with the technical legalities, but it

just strikes me that there's something fundamentally unfair in dealing with this motion and nobody's here to speak to it from that party.

The Chair: Any further debate? The motion is moved by Mr McGuinty to postpone dealing with the motion on the floor by Ms Cunningham which reads as follows:

"That the committee recommend that the ministry formally review the mandate"—

Clerk of the Committee: The question right now is Mr McGuinty's postponement. The next question is on the motion.

The Chair: But he's postponing this motion, so I wanted to record this motion.

Clerk of the Committee: The question is on postponement. That's the question.

The Chair: Okay. Then I will take the vote on Mr McGuinty's motion on the postponement of Ms Cunningham's motion.

All in favour? Opposed? That motion is lost.

Now we will vote on this motion that was placed by Ms Cunningham, which reads as follows:

"That the committee recommend that the ministry formally review the mandate of the Council of Regents with regard to the College Standards and Accreditation Council (CSAC) and its independence."

All in favour of that motion? Opposed? That motion is lost.

We now will deal with the report of the subcommittee from last Wednesday, November 30. I think you all have a copy of that subcommittee report, which reads as follows:

"Your subcommittee met on Wednesday, 30 November 1994, to consider future business with respect to the committee's reviews of the Ontario Council of Regents for Colleges of Applied Arts and Technology, and the St Lawrence Parks Commission.

"There was no consensus on the following question, therefore your subcommittee refers the matter to the full committee for discussion:

"Should the Chair request time for the committee to complete its work on the Ontario Council of Regents and the St Lawrence Parks Commission during the winter break?"

Ms Gigantes: Call the question.

The Chair: You're not going to have any debate on the subcommittee report?

Ms Gigantes: Call the question, Madam Chair.

The Chair: The subcommittee report is before the whole committee. There hasn't been any debate or discussion on this report. Ms Gigantes is moving that the question be called. Ms Witmer.

Mrs Elizabeth Witmer (Waterloo North): Yes. I apologize for the roads today, but—

Ms Gigantes: Madam Chair, on a point of order: I've asked that the question be called. Are you ruling on that?

The Chair: The Chair has the prerogative of deciding whether I have heard sufficient debate in order that the question be put.

Ms Gigantes: Very good.

The Chair: The only dealing with this report at this point by this committee is my reading it into the record. Instantly, you moved that the question be put.

Ms Gigantes: It's a simple yes or no.

The Chair: In my opinion as Chair, there has been no debate on this subcommittee report.

Mrs Witmer: Just some clarification, Madam Chair: Is this motion that we're moving then the one which indicates that there will be no further discussion on the Ontario Council of Regents or the St Lawrence Parks Commission during the winter break? Is that it? It's done today? Would you clarify exactly what is intended by this motion?

The Chair: At the time of the subcommittee, that was the discussion that was before the committee, and because there wasn't a consensus of the committee, this had to come back to the full committee. But already, earlier this morning, the subject of the Council of Regents has been dealt with by a motion; pages 1 to 31 of Mr Pond's report have now been referred by motion to the minister. In essence, the report on the Council of Regents has now been finalized by this committee.

Mrs Witmer: So that means that in reality we did not complete the work on the report for the Council of Regents.

Ms Gigantes: We did.

The Chair: It was just completed by a motion of the majority of this committee.

Mrs Witmer: All right. Thank you.

Mr McGuinty: Just on a point of information, what is the status of whatever this committee has done with the St Lawrence Parks Commission?

The Chair: The status of the work of the committee in its review of the St Lawrence Parks Commission has been in essence that we conducted public hearings on location in Cornwall, and as an outfall of those public hearings there is now an ongoing investigation into some allegations that were brought before the committee about the management and hiring practices of the commission. The commission has hired legal counsel through the Management Board and that investigation is now ongoing. We have been informed that the report finalizing that investigation would not be available until December 12, which of course is next week.

It has been an understanding of the subcommittee members, in particular Mr Waters, Mr McLean and Mr Cleary, that the report on the St Lawrence Parks Commission could not be completed until it came back from the investigation that is currently ongoing. If I haven't summarized that correctly, if any other member would like to contribute to answering the question of the status of the St Lawrence Parks Commission—

Mr McGuinty: All right, so it seems to me that the work of this committee in connection with the St Lawrence Parks Commission is incomplete. There's a report outstanding. You want to get that report, you want to look at it and you may want to do something with it.

I just want to look at this motion carefully now.

"Should the Chair request time for the committee to complete its work?"

Mrs Witmer: Yes.

Mr McGuinty: I think the answer is obvious there. Yes, we need time to deal with that.

1130

The Chair: What this doesn't say is really that the committee would be requesting time of the House leaders. Isn't that correct? What we would do is request the House leaders for time and it would just be for the St Lawrence Parks Commission.

Ms Margaret H. Harrington (Niagara Falls): What I would like to do when the House resumes—I presume that will be in March—is deal with the St Lawrence Parks Commission report. The intersession is normally used for the routine business of the appointments. That's what the committee should be doing in the future.

The Chair: You can amend this motion to say that, but the normal work of the committee during recess is both appointments and review of government boards and agencies. We did the Council of Regents and the St Lawrence Parks Commission in the recess between the summer and the reconvening of the House in November. So the normal work, to correct you, Ms Harrington, does include both. It includes the review of agencies and appointments.

If you want to change this subcommittee, this actually isn't a subcommittee report in terms of there was no consensus. I'm looking for a motion by the committee as to what direction you would like to give the clerk to approach the House leaders about the work schedule during the recess. Do you want to continue the review of the St Lawrence Parks Commission when the report comes in and do appointments?

Ms Harrington: I think I would like to make a motion, but I don't quite see how it fits with this thing that you have us debating at the moment.

The Chair: What you have before you is the subcommittee report, and it says: "There was no consensus on the following question, therefore your subcommittee refers the matter to the full committee for discussion." The subcommittee has referred the matter to the full committee for discussion and that is the discussion we're having. As an outfall from that discussion, we will need a motion.

Ms Gigantes: On a point of order, Madam Chair: I had assumed, when I first asked you to call the question, that as Chair you were putting the question to us and that we could vote yes or no, that in fact it constituted a paramotion, if you want, that you had placed it before us as Chair and that if we wished to say yes we voted yes, and if we wished to say no we voted no. Have I been acting on the wrong presumption? I thought that was the basis of the debate which you encouraged.

The Chair: All this report did was to refer a matter to the whole committee for discussion.

Ms Gigantes: You placed it before us, Madam Chair, so I'd like your understanding now. You asked us to debate it and we have debated it. Is it appropriate for me now to ask that you call the question and treat the yeses

as affirmative answers and the noes as negative answers?

The Chair: I will re-read what is before you as the subcommittee report.

Interjection.

The Chair: I want to clarify the report. Ms Witmer, I have you down to speak. Just a second.

Normally, the subcommittee meets and reaches a consensus on whatever the matter is that's before the subcommittee and that becomes a report of the subcommittee to the committee as a whole. In this case, there was no consensus of the subcommittee. Therefore, there is no report from the subcommittee, therefore there is no question being referred to this committee by the subcommittee. We're simply telling you what happened, but at the moment there is no question and no motion before the committee.

I have Mrs Witmer and Ms Gigantes.

Ms Harrington: But you're asking us to vote on this.

Ms Gigantes: You've had us debating this question. I've asked you to call the question. You placed the question before us, you encouraged debate on it and then you tell us that it doesn't exist on the floor.

The Chair: I did not ask you to debate a motion, Ms Gigantes. I asked you for discussion of what was in front of you, and what is in front of says very clearly, "...therefore, your subcommittee refers the matter to the full committee for discussion."

Ms Gigantes: We've had discussion.

Ms Harrington: Can we put forward a motion?

The Chair: Yes. The speaking order right now is Mrs Witmer, Ms Harrington.

Mrs Witmer: I'm extremely concerned, and I guess I have been all fall: I thought I was elected to work on behalf of people in this province, but I'm finding that the government in power really is trying to stifle any debate or discussion on issues of interest and concern to people in this province. What I see happening here is the end of a discussion on the Council of Regents, a body which you know came under tremendous criticism from many sources during the discussion.

We're now looking at the St Lawrence Parks Commission. Again, we have a body that is subject to investigation. We're awaiting further information and certainly we would not be acting in a responsible manner to postpone the completion of that report, because what's going to happen, and I heard Ms Harrington say, "Let's wait until March"—we know we will not be back here debating this because this government's intent is simply to keep us quiet in the intersession, make sure nothing hits the press and hopefully float into a spring session.

I'm concerned. We have a job to do and we'd better act in a responsible manner because, I'll tell you, it's very difficult to go back to the constituents and tell them you've only been here four weeks this fall and then tell them you don't know when you're going back in the spring.

The government is acting very, very irresponsibly and we're not doing the job we were elected to do. I say let's deal with the St Lawrence Parks Commission during the

intersession. Let's do the job that we were elected to do.

The Chair: Is that a motion?

Mrs Witmer: I would like to make that a motion that we deal with the St Lawrence Parks Commission during the winter break session.

Interjection.

Ms Harrington: It's not clear to me—

The Chair: Are you raising a point of order, Ms Gigantes?

Ms Gigantes: No, I am not, Madam Chair. What made you think that?

The Chair: You said, "She has spoken to the motion and then placed a motion and that's not in order."

Ms Gigantes: I wasn't speaking to you, Madam Chair. I was speaking to a colleague.

The Chair: Oh well, that's fine, thank you. Ms Harrington.

Ms Harrington: We have all received the outcome of the subcommittee. I thought that you were putting it before us to either accept or reject the report. The report in itself does not make a suggestion of what we do. To me, it is a neutral statement of what happened at the subcommittee. But if you are asking us to vote on this, I think that's very straightforward, and then we decide what we as a committee will do.

You now have a motion, and I was prepared also to make a motion as to what this committee should do in the future. Maybe I could clarify with the clerk: Has the Chair asked us to accept this report of the subcommittee?

Clerk of the Committee: It's not a report. There wasn't a report from the subcommittee because the subcommittee didn't have anything to report.

Ms Harrington: So we don't need to vote on this at all.

Clerk of the Committee: They just referred the matter back to the committee.

Ms Harrington: Yes, I know.

Clerk of the Committee: There is now a motion on the floor by Mrs Witmer that the St Lawrence Parks Commission be discussed during the recess.

Mr McGuinty: I want to speak in favour of the motion that's on the floor and specifically that we do take some time to consider the St Lawrence Parks Commission during the winter break, for all of the good reasons advanced by Mrs Witmer.

You'd think you wouldn't even have to say this, but I guess you have to anyway: We were elected to do certain work around this place. We're going to get out of here tomorrow night at midnight and we're not going to come back until God knows when, but presumably some time in March.

1140

Try to explain that to the folks who sent us here. Just imagine you're in a room and they'll say: "Look now, let me get this straight. You ended on December 8 and you're not back till the end of March and maybe not till the end of May? Are you serious? Tell me, do you still get paid?" "Well yes, I have other responsibilities arising

from my constituency work.” “Yes, but tell me, I mean, you don’t go back to the House? You don’t go back to committee?”

That’s reality out there. It’s wonderful for us to be able to discuss these things in some kind of esoteric, academic way here in downtown Toronto, but out back home, where the rubber meets the road, people will have tremendous difficulty understanding.

If the members of the government want to assure me that we’re going to be back here dealing with government agencies and appointments, all right; that’ll help to justify it a little bit, but I haven’t heard that assurance yet, when we’re back here. At the beginning of January? I don’t know.

Ms Harrington: We’ll deal with this motion—

Mr McGuinty: But I need some assurance.

The Chair: Any further discussion? All right. The motion by Ms Witmer is that the Chair request time for consideration of the St Lawrence Parks Commission report during the winter break.

Mrs Witmer: A recorded vote, please.

The Chair: A recorded vote. All in favour of that motion?

Ayes

Witmer, McGuinty.

The Chair: Opposed?

Nays

Carter, Frankford, Gigantes, Harrington, Klopp, Martin.

The Chair: That motion is lost.

Ms Gigantes: Madam Chair, do we need a motion to request time to meet to consider appointments, which is the other mandate of this committee?

The Chair: The clerk advises me that motion isn’t necessary because that request had gone forward with the consensus of the subcommittee.

Ms Gigantes: I wonder if the opposition members heard that, because they seem a little alarmed that might not be happening. Could you repeat that? I don’t think they heard.

The Chair: There isn’t a necessity to have a motion to request time to sit in the winter break to review appointments because the subcommittee agreed to that direction, which would involve perhaps one day a month and if necessary two days a month. It’s been a maximum of two days a month that the committee has sat to review appointments, but because there was consensus by the subcommittee—

Mr McGuinty: So, Madam Chair, there would be a maximum days a month? There would be ample time, in other words, to deal with another issue such as the St

Lawrence Parks Commission. Just so that the good folks out there see this in the right light, what we’re going to do is proceed with government appointments. That’s when you get to appoint to government agencies, boards and commissions people chosen by the government whom they look upon favourably and they want to appoint to agencies, boards or commissions.

Where I come from, they call that patronage, but I want to make sure that people understand that’s what we’re talking about here. The government wants to be able to continue the work of this committee in so far as political appointments are concerned but not in so far as dealing with a substantive issue like the review of the St Lawrence Parks Commission.

Mrs Witmer: I guess I am concerned to learn that the government is prepared to come in here and deal with the appointments to commissions as opposed to dealing with real work that needs to be done on the St Lawrence Parks Commission. It becomes very obvious that what the government is hoping to do between now and whenever an election is called is to make sure that those people who might not have jobs after the next election do receive political appointments and that we have rubber-stamped every individual who’s come before this committee. Obviously, we will continue to function as rubber stamps for the next couple of months so that the government can make sure all its friends are looked after.

Mr Martin: Including a couple of Conservatives last week.

Mrs Witmer: That’s fine, Tony.

Interjection.

Ms Harrington: I find some of the comments very regrettable. I think we’ve seen over the last four years that this committee does have a role to do for the public with regard to appointments. Compare that to the years before and how appointments were made. I don’t think we need to go into that. Ms Witmer’s comments are certainly not the intention of this committee. We’re here to try and do a job.

My understanding was that the intersession time of most committees is used for travel, to do the work that cannot be done while the House is sitting, that the regular work of committees is done during the session here at the Legislature, and at that time, when the House resumes, we can continue the work of the parks commission.

Mr Martin: I would move adjournment of the committee this morning.

The Chair: Mr Martin has moved adjournment of this morning’s meeting. All in favour of adjourning? Opposed? The meeting is adjourned and we will have a subcommittee meeting.

The committee adjourned at 1147.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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- Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
- *Carter, Jenny (Peterborough ND)
- Cleary, John C. (Cornwall L)
- Crozier, Bruce (Essex South/-Sud L)
- Curling, Alvin (Scarborough North/-Nord L)
- *Frankford, Robert (Scarborough East/-Est ND)
- *Gigantes, Evelyn, (Ottawa Centre ND)
- *Harrington, Margaret H. (Niagara Falls ND)
- Malkowski, Gary (York East/-Est ND)
- Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- *Witmer, Elizabeth (Waterloo North/-Nord PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

- Klopp, Paul (Huron ND) for Mr Waters
- Martin, Tony (Sault Ste Marie ND) for Mr Malkowski
- McGuinty, Dalton (Ottawa South/-Sud L) for Mr Crozier

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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